AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 79 Wednesday,
No. 122 June 25, 2014

Pages 35911–36182

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.ofr.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 77 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

Printed on recycled paper.

Contents

Federal Register

Vol. 79, No. 122

Wednesday, June 25, 2014

Administrative Conference of the United States
NOTICES
Adoption of Recommendations, 35988–35995

Agency for International Development
NOTICES
Meetings:
Advisory Committee on Voluntary Foreign Aid, 35995

Agriculture Department
See Forest Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 35995–35996

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 36064–36068
Proposed Revised Vaccine Information Materials:
Td, Tdap, Haemophilus influenzae type b, and Rotavirus Vaccines, 36068–36069

Coast Guard
RULES
Special Local Regulations:
Annual Swim around Key West, Atlantic Ocean and Gulf of Mexico; Key West, FL, 35948–35951

Commerce Department
See Economic Development Administration
See International Trade Administration
See National Oceanic and Atmospheric Administration

Community Development Financial Institutions Fund
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 36132–36133

Economic Development Administration
NOTICES
Trade Adjustment Assistance; Petitions, 35998–35999

Education Department
RULES
Final Priorities:
National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers, 35951–35956
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Alternative Financing Program under the Assistive Technology Act, 36026
Annual Client Assistance Program Report, 36029–36030
Annual Performance Report for the State Grant for Assistive Technology Program, 36029
Improving Teacher Quality State Grants Subgrants to LEAS, 36028–36029
Measures and Methods for the National Reporting System for Adult Education, 36030–36031
Studies of Rural Education Achievement Program Grantees, 36026–36027
Study of Enhanced College Advising in Upward Bound, 36027–36028
Applications for New Awards:
National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers, 36031–36040
Free Application for Federal Student Aid:
Information to be Verified for the 2015–2016 Award Year, 36040–36044

Employee Benefits Security Administration
RULES
Ninety-Day Waiting Period Limitation, 35942–35948

Employment and Training Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Enhanced Transitional Jobs Demonstration Reporting System, 36100

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Applications to Export Electric Energy:
Energia Sierra Juarez U.S., LLC, 36044
Boundary Revisions:
East Tennessee Technology Park, 36044–36045
Meetings:
Environmental Management Site-Specific Advisory Board, Nevada, 36045
Environmental Management Site-Specific Advisory Board, Northern New Mexico, 36045–36046
Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation, 36046–36047
Environmental Management Site-Specific Advisory Board, Paducah, 36046

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Wisconsin; Nitrogen Oxide Combustion Turbine Alternative Control Requirements for the Milwaukee–Racine Former Nonattainment Area, 35956
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 36053
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Experimental Use Permits for Pesticides, 36053–36054
NESHAP for Vinyl Chloride, 36054–36055
NSPS for Asphalt Processing and Roofing Manufacture, 36055
Meetings:
Exposure Modeling, 36055–36056
Registration Review; Pesticide Dockets, 36056–36058

Executive Office of the President
See Presidential Documents

Federal Accounting Standards Advisory Board
NOTICES
Meetings:
Federal Accounting Standards Advisory Board; 2015 Meeting Schedule, 36059

Federal Aviation Administration
RULES
Interpretation of the Special Rule for Model Aircraft, 36172–36176
PROPOSED RULES
Airworthiness Directives:
The Boeing Company Airplanes, 35966–35971
NOTICES
Draft Guidance for Industry and Staff:
Airman Certification Standards, 36121–36122
Petitions for Exemption; Summaries, 36122

Federal Communications Commission
RULES
Rates for Interstate Inmate Calling Services, 35956–35957
NOTICES
Digital Replacement Translator Station and Displacement Applications; Filing Freeze, 36059–36060
Meetings:
Consumer Advisory Committee, 36060

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 36060

Federal Energy Regulatory Commission
RULES
Reliability Standard for Geomagnetic Disturbance Operations, 35911–35920
NOTICES
Applications:
Flambeau Hydro, LLC, 36047
Combined Filings, 36047–36048
Complaints:
Alliance for Retail Energy Markets, et al. v. California Independent System Operator Corp., 36048–36049
Environmental Assessments; Availability, etc.:
Carolina Gas Transmission Corp.; Edgemoor Compressor Station Project, 36049–36051
Proceedings:
Price Formation in Energy and Ancillary Services Markets Operated by Regional Transmission Organizations, etc., 36051–36052
Requests under Blanket Authorization:
Arlington Storage Company, LLC, 36052–36053

Federal Housing Finance Agency
PROPOSED RULES
Minority and Women Inclusion Amendments, 35960–35963

Federal Maritime Commission
NOTICES
Agreements Filed, 36060–36061
Ocean Transportation Intermediary License Applicants, 36061

Federal Railroad Administration
NOTICES
Applications:
Railroad Safety Program Plans and Product Safety Plans, 36122–36123
Environmental Impact Statements; Availability, etc.:
Dallas – Houston High Speed Passenger Rail Corridor, 36123–36124
Petitions for Waivers of Compliance, 36124–36125

Federal Reserve System
NOTICES
Changes in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 36061
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 36061–36062
Proposals to Engage in or to Acquire Companies Engaged in Permissible Nonbanking Activities, 36062

Fish and Wildlife Service
NOTICES
Endangered and Threatened Wildlife and Plants:
Texas Ayenia Draft Recovery Plan, 36087–36089
Permits:
Endangered Species; Marine Mammals, 36090–36091

Food and Drug Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded, 36070–36071
Cosmetic Labeling, 36069–36070
Draft Guidance for Industry and Staff:
Medical Device Data Systems, Medical Image Storage Devices, and Medical Image Communication Devices, 36072
Request for Applications:
Cooperative Agreement to Support the World Trade Organization's Standards and Trade Development Facility, 36073–36074

Foreign Assets Control Office
NOTICES
Blocking or Unblocking of Persons and Properties, 36133–36142

Foreign Claims Settlement Commission
NOTICES
Meetings; Sunshine Act, 36098

Forest Service
NOTICES
Meetings:
Eastern Arizona Resource Advisory Committee, 35997–35998
Eleven Point Resource Advisory Committee, 35998
Fremont and Winema Resource Advisory Committee, 35997
Prince of Wales Island Resource Advisory Committee, 35996–35997

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration
RULES
Ninety-Day Waiting Period Limitation, 35942–35948

NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Pregnancy Assistance Fund Feasibility and Design Study, 36062–36063
Meetings:
Advisory Council on Alzheimer's Research, Care, and Services, 36063

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 36074–36075
Designated Primary Medical Care, Mental Health, and Dental Health Professional Shortage Areas, 36075–36076
Health Careers Opportunity Program, 36076–36077
Meetings:
Advisory Committee on Interdisciplinary, Community-Based Linkages, 36077
Non-Competitive Program Expansion Supplements:
Ryan White HIV/AIDS Part D Program, for Coordinated HIV Services and Access for Women, Infants, Children and Youth, 36078

Homeland Security Department
See Coast Guard
See Transportation Security Administration
See U.S. Customs and Border Protection

Housing and Urban Development Department
RULES
Housing and Economic Recovery Act:
Changes to the Section 8 Tenant-Based Voucher, Section 8 Project-Based Voucher Programs, 36146–36170
Public Housing Agency Consortia, Biennial Inspections, Extremely Low-Income Definition, and Utility Allowances, 35940–35942
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Evaluation of the Rental Assistance Demonstration Program, Phase I, 36086–36087
Use Restriction Agreement Monitoring and Compliance, 36087

Indian Affairs Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Acknowledgment of Indian Tribes, 36092
Homeliving Programs and School Closure and Consolidation, 36091–36092
Meetings:
Tribal Consultations; Contract Support Costs, 36092–36093

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service

Internal Revenue Service
RULES
Ninety-Day Waiting Period Limitation, 35942–35948

International Trade Administration
NOTICES
Antidumping Duty Administrative Reviews; Results, Extensions, Amendments, etc.:
Aluminum Extrusions from the People's Republic of China, 36003–36012
Stainless Steel Plate in Coils from Belgium, 36001–36003
Welded Carbon Steel Standard Pipe and Tube Products from Turkey, 35999–36001
Countervailing Duty Administrative Reviews; Results, Extensions, Amendments, etc.:
Citric Acid and Certain Citrate Salts from the People's Republic of China, 36012–36013
Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China, 36013–36014
Countervailing Duty Investigations; Results, Extensions, Amendments, etc.:
Certain Steel Nails from India, Republic of Korea, Malaysia, Sultanate of Oman, Taiwan, Republic of Turkey, and Socialist Republic of Vietnam, 36014–36019
Investigations; Sales at Less Than Fair Value:
Certain Steel Nails from India, Republic of Korea, Malaysia, Sultanate of Oman, Taiwan, Republic of Turkey, and Socialist Republic of Vietnam, 36019–36026

International Trade Commission
RULES
Conduct of Antidumping and Countervailing Duty Investigations and Reviews, 35920–35926

Justice Department
See Foreign Claims Settlement Commission

Labor Department
See Employee Benefits Security Administration
See Employment and Training Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Longshore and Harbor Workers' Compensation Act Pre-Hearing Statement, 36098–36099
Notice of Recurrence, 36099–36100

Land Management Bureau
NOTICES
Plats of Survey:
Colorado, 36094
Oregon/Washington, 36093–36094
Proposed Supplementary Rules for Public Use of the Campground and Day Use Areas:
Owyhee County, ID., 36094–36097

Maritime Administration
NOTICES
Cruise Vessel Security and Safety Training Provider Certification Final Policy, 36125–36131
Requests for Administrative Waivers of the Coastwise Trade Laws:
Vessel VALENTINE VENTURE, 36131–36132

National Institutes of Health
NOTICES
Charter Renewals:
Advisory Board for Clinical Research, 36078
National Cancer Institute, 36078

Meetings:
Adverse Outcome Pathways, From Research to Regulation Workshop, 36079–36080
Office of Health Assessment and Translation, 36078–36079

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Halibut Prohibited Species Catch Limit; Bering Sea and Aleutian Islands; Reapportionment, 35958–35959
Identification and Certification of Nations
Information Collection Requirements; Effective Date, 35957–35958
PROPOSED RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Chinook Salmon Bycatch Management in the Gulf of Alaska Non-Pollock Trawl Fisheries; Amendment 97, 35971–35987

National Park Service
NOTICES
National Register of Historic Places:
Pending Nominations and Related Actions, 36097–36098

Nuclear Regulatory Commission
RULES
Spent Fuel Storage Casks:
Transnuclear, Inc. Standardized Advanced NUHOMS Horizontal Modular Storage System; Amendment No. 3; Withdrawal, 35911
NOTICES
Guidelines on Use of Firearms by Security Personnel, 36100–36104
Meetings:
Advisory Committee on Reactor Safeguards, 36105–36106

Presidential Documents
PROCLAMATIONS
Special Observances:
70th Anniversary of the GI Bill of Rights (Proc. 9144), 36177–36180
ADMINISTRATIVE ORDERS
Western Balkans; Continuation of National Emergency (Notice of June 23, 2014), 36181

Securities and Exchange Commission
NOTICES
Applications:
Elkhorn Investments, LLC and Elkhorn ETF Trust, 36106–36110
Self-Regulatory Organizations; Proposed Rule Changes:
BATS Exchange, Inc.; BATS–Y Exchange, Inc.; NASDAQ OMX BX, Inc.; et al., 36110–36112
Depository Trust Co., 36116–36118
ICE Clear Credit, LLC, 36112–36114
NYSE Arca, Inc., 36114–36116, 36118–36120

Small Business Administration
PROPOSED RULES
Advisory Small Business Size Decisions, 35963–35966

Social Security Administration
RULES
Changes to Scheduling and Appearing at Hearings, 35926–35935

State Department
RULES
National Security Information Regulations, 35935–35940

Substance Abuse and Mental Health Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 36080–36081

Surface Transportation Board
NOTICES
Quarterly Rail Cost Adjustment Factor, 36132

Transportation Department
See Federal Aviation Administration
See Federal Railroad Administration
See Maritime Administration
See Surface Transportation Board
See Transportation Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Elements of Request for Course Approval, 36120

Transportation Security Administration
NOTICES
Meetings:
Aviation Security Advisory Committee, 36081–36083

Treasury Department
See Community Development Financial Institutions Fund
See Foreign Assets Control Office
See Internal Revenue Service

U.S. Customs and Border Protection
NOTICES
National Customs Automation Program:
Automated Commercial Environment Document Image System; Test Modifications, 36083–36086

Veterans Affairs Department
NOTICES
Airborne Hazards and Open Burn Pit Registry, 36142–36144

Separate Parts In This Issue

Part II
Housing and Urban Development Department, 36146–36170

Part III
Transportation Department, Federal Aviation Administration, 36172–36176

Part IV
Presidential Documents, 36177–36181

Reader Aids
Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
9144 36179
Administrative Orders:
Notices:
Notice of June 23, 2014 36181

10 CFR
72 35911

12 CFR
Proposed Rules:
1207 35960

13 CFR
Proposed Rules:
121 35963

14 CFR
91 36172
Proposed Rules:
39 (2 documents) 35966, 35968

15 CFR
902 35957

18 CFR
40 35911

19 CFR
201 35920
207 35920

20 CFR
404 35926
405 35926
416 35926

22 CFR
9 35935

24 CFR
5 (2 documents) 35940, 36146
943 35940
982 (2 documents) 35940, 36146
983 36146

26 CFR
54 35942

29 CFR
2590 35942

33 CFR
100 35948

34 CFR
Ch. III (2 documents) 35951, 35954

40 CFR
52 35956

45 CFR
147 35942

47 CFR
64 35956

50 CFR
300 35957
679 35958
Proposed Rules:
679 35971

Rules and Regulations

Federal Register
Vol. 79, No. 122
Wednesday, June 25, 2014

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2013–0271]

RIN 3150–AJ31

List of Approved Spent Fuel Storage Casks: Transnuclear, Inc. Standardized Advanced NUHOMS® Horizontal Modular Storage System; Amendment No. 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct Final Rule; Withdrawal.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is withdrawing a direct final rule that would have revised its spent fuel storage regulations to include Amendment No. 3 to Certificate of Compliance (CoC) No. 1029, Transnuclear, Inc. Standardized Advanced NUHOMS® Horizontal Modular Storage System listing within the ''List of approved spent fuel storage casks.'' The NRC is taking this action because it has received at least one significant adverse comment in response to a companion proposed rule that was concurrently published with the direct final rule.

DATES: Effective June 25, 2014, the NRC withdraws the direct final rule published at 79 FR 21121 on April 15, 2014.

ADDRESSES: Please refer to Docket ID NRC–2013–0271 when contacting the NRC about the availability of information for this action. You may access publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0271. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Naiem S. Tanious, Office of Federal and State Materials and Environmental Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301–415–6103, email: *Naiem.Tanious@nrc.gov.*

SUPPLEMENTARY INFORMATION: On April 15, 2014 (79 FR 21121), the NRC published in the **Federal Register** a direct final rule amending its regulations in part 72 of Title 10 of the *Code of Federal Regulations* to include Amendment No. 3 to CoC No. 1029, Transnuclear, Inc. Standardized Advanced NUHOMS® Horizontal Modular Storage System listing within the ''List of approved spent fuel storage casks.'' The direct final rule was to become effective on June 30, 2014. The NRC also concurrently published a companion proposed rule on April 15, 2014 (79 FR 21156).

In the April 15, 2014, proposed rule, the NRC stated that if any significant adverse comments were received, a document that withdraws the direct final rule would be published in the **Federal Register**. As a result, the direct final rule would not take effect. The NRC received 12 comments from private citizens and one comment letter from two attorneys representing 20 environmental organizations and individuals. The NRC also received one comment from a private citizen after the public comment period ended. The public comments are available at *www.regulations.gov* by searching on Docket ID NRC–2013–0271. The NRC determined that at least one of the comments is significant and adverse. The comment, submitted by two attorneys on behalf of 20 environmental organizations and individuals, raises a concern that the direct final rule approves ''a significant and unprecedented change to the permissible uses of the 32PTH2 DSC: the transportation of high burnup fuel.'' Although this amendment does not approve the transportation of high burnup fuel, in this instance the NRC considers this comment to be a significant adverse comment as defined in Section I, Procedural Background, of the direct final rule because the comment raises an issue serious enough to warrant a substantive response to clarify or complete the record. Therefore, the NRC is withdrawing the direct final rule.

As stated in the April 15, 2014, proposed rule, the NRC will address the comments in a subsequent final rule. The NRC will not initiate a second comment period on this action.

Dated at Rockville, Maryland, this 16th day of June, 2014.

For the Nuclear Regulatory Commission.

Mark A. Satorius,

Executive Director for Operations.

[FR Doc. 2014–14867 Filed 6–24–14; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 40

[Docket No. RM14–1–000 Order No. 797]

Reliability Standard for Geomagnetic Disturbance Operations

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: Pursuant to section 215 of the Federal Power Act, the Federal Energy Regulatory Commission (Commission) approves Reliability Standard EOP–010–1 (Geomagnetic Disturbance Operations). The North American Electric Reliability Corporation, the Commission-certified Electric Reliability Organization, submitted the Reliability Standard for Commission

approval in response to a Commission directive in Order No. 779. Reliability Standard EOP–010–1 is designed to mitigate the effects of geomagnetic disturbances on the Bulk-Power System by requiring responsible entities to implement Operating Plans and Operating Procedures or Processes.

DATES: This rule is effective August 25, 2014.

FOR FURTHER INFORMATION CONTACT:

Michael Gandolfo (Technical Information), Office of Electric Reliability, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Telephone: (202) 502–6817, *Michael.Gandolfo@ferc.gov*.

Matthew Vlissides (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Telephone: (202) 502–8408, *Matthew.Vlissides@ferc.gov.*

SUPPLEMENTARY INFORMATION:

147 FERC ¶ 61,209

Before Commissioners: Cheryl A. LaFleur, Acting Chairman; Philip D. Moeller, John R. Norris, and Tony Clark.

Final Rule

(Issued June 19, 2014)

1. Pursuant to section 215 of the Federal Power Act (FPA),[1] the Commission approves Reliability Standard EOP–010–1 (Geomagnetic Disturbance Operations). The North American Electric Reliability Corporation (NERC), the Commission-certified Electric Reliability Organization (ERO), submitted the Reliability Standard for Commission approval in response to a Commission directive in Order No. 779.[2] The Reliability Standard is designed to mitigate the effects of geomagnetic disturbances (GMD) on the Bulk-Power System by requiring responsible entities to implement Operating Plans and Operating Procedures or Processes. The Commission also approves the associated violation risk factors and violation severity levels, implementation plan, and effective dates proposed by NERC.

I. Background

A. Section 215 and Mandatory Reliability Standards

2. Section 215 of the FPA requires the Commission to certify an ERO to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval.[3] Once approved, the Reliability Standards may be enforced in the United States by the ERO, subject to Commission oversight, or by the Commission independently.[4]

B. Order No. 779

3. In Order No. 779, the Commission directed NERC, pursuant to FPA section 215(d)(5), to develop and submit for approval proposed Reliability Standards that address the impact of GMDs on the reliable operation of the Bulk-Power System. The Commission based its directive on the potentially severe, wide-spread impact on the reliable operation of the Bulk-Power System that can be caused by GMD events and the absence of existing Reliability Standards to address GMD events.[5]

4. The Commission directed NERC to implement the directive in two stages. In the first stage, the Commission directed NERC to submit, within six months of the effective date of Order No. 779, one or more Reliability Standards (First Stage GMD Reliability Standards) that require owners and operators of the Bulk-Power System to develop and implement operational procedures to mitigate the effects of GMDs consistent with the reliable operation of the Bulk-Power System.[6]

5. In the second stage, the Commission directed NERC to submit, within 18 months of the effective date of Order No. 779, one or more Reliability Standards (Second Stage GMD Reliability Standards) that require owners and operators of the Bulk-Power System to conduct initial and on-going assessments of the potential impact of benchmark GMD events on Bulk-Power System equipment and the Bulk-Power System as a whole. Order No. 779 directed that the Second Stage GMD Reliability Standards must identify benchmark GMD events that specify what severity GMD events a responsible entity must assess for potential impacts on the Bulk-Power System.[7] Order No. 779 explained that, if the assessments identify potential impacts from benchmark GMD events, the Reliability Standards should require owners and operators to develop and implement a plan to protect against instability, uncontrolled separation, or cascading failures of the Bulk-Power System, caused by damage to critical or vulnerable Bulk-Power System equipment, or otherwise, as a result of a benchmark GMD event. The Commission directed that the development of this plan could not be limited to considering operational procedures or enhanced training alone, but should, subject to the potential impacts of the benchmark GMD events identified in the assessments, contain strategies for protecting against the potential impact of GMDs based on factors such as the age, condition, technical specifications, system configuration, or location of specific equipment.[8] Order No. 779 observed that these strategies could, for example, include automatically blocking geomagnetically-induced currents (GIC) from entering the Bulk-Power System, instituting specification requirements for new equipment, inventory management, isolating certain equipment that is not cost effective to retrofit, or a combination thereof.

C. NERC Petition

6. On November 13, 2013, NERC petitioned the Commission to approve Reliability Standard EOP–010–1 and its associated violation risk factors and violation severity levels, implementation plan, and effective dates. In the petition, NERC states that the Reliability Standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. NERC maintains that the Reliability Standard satisfies the Commission's directive in Order No. 779 corresponding to the development and submission of the First Stage GMD Reliability Standards.

7. NERC states that, consistent with Order No. 779 and the NERC Functional Model, Reliability Standard EOP–010–1 applies to reliability coordinators and transmission operators with a ''Transmission Operator Area that includes a power transformer with a high side wye-grounded winding with terminal voltage greater than 200 kV.''[9] NERC explains that the Reliability Standard has three requirements: (1) Requirement R1 addresses coordination by reliability coordinators within their areas; (2) Requirement R2 addresses the dissemination of space weather information by reliability coordinators to ensure that entities within a reliability coordinator area have the appropriate information necessary to

[1] 16 U.S.C. 824o.

[2] *Reliability Standards for Geomagnetic Disturbances,* Order No. 779, 78 FR 30,747 (May 23, 2013), 143 FERC ¶ 61,147, *reh'g denied,* 144 FERC ¶ 61,113 (2013).

[3] 16 U.S.C. 824o.

[4] *Id.* 824o(e).

[5] Order No. 779, 143 FERC ¶ 61,147 at P 3.

[6] *Id.* P 2.

[7] *Id.*

[8] *Id.*

[9] NERC Petition at 8 (''A power transformer with a 'high side wye-grounded winding' refers to a power transformer with windings on the high voltage side that are connected in a wye configuration and have a grounded neutral connection.'').

take action and that the same information is available to all entities; and (3) Requirement R3 requires transmission operators to develop GMD Operating Procedures or Processes.

8. NERC states that Requirement R1 requires each reliability coordinator to develop, maintain, and implement a GMD Operating Plan that coordinates the GMD Operating Procedures or Operating Processes within its reliability coordinator area.[10] NERC explains that each reliability coordinator is required to ensure that GMD Operating Procedures and Operating Processes in its reliability coordinator area are not in conflict, but a reliability coordinator will not review the technical aspects of the GMD Operating Procedures and Operating Processes.[11] Instead, according to NERC, each transmission operator will be responsible for the technical aspects of its Operating Procedures and Operating Processes. NERC further states that Requirement R1 requires each reliability coordinator to describe the activities that must be undertaken in order to mitigate the effects of a GMD event. NERC explains that, pursuant to Reliability Standard IRO–001–1.1, each reliability coordinator has decision-making authority to act and to direct actions to be taken by transmission operators, balancing authorities, generator operators, transmission service providers, load-serving entities, and purchasing-selling entities within its reliability coordinator area to preserve the reliability of the bulk electric system.

9. NERC states that Requirement R2 requires each reliability coordinator to disseminate space weather information to ensure coordination and consistent awareness in its reliability coordinator area. NERC maintains that entrusting this responsibility to reliability coordinators is appropriate given the reliability coordinator's wide-area view. NERC also explains that Requirement R2 replaces existing Requirement R3 of Reliability Standard IRO–005–3.1a, which currently addresses dissemination of information regarding GMD forecasts.[12]

10. NERC states that Requirement R3 requires each transmission operator to develop GMD Operating Procedures or Operating Processes to address GMD events. NERC explains that Requirement R3 is not prescriptive and allows each transmission operator to tailor its Operating Procedures or Operating Processes based on the transmission operator's assessment of entity-specific factors, such as geography, geology, and system topology. According to NERC, Requirement R3 requires each transmission operator to specify: (1) Steps or tasks that must be conducted to receive space weather information; (2) what actions must be taken under what conditions, and such conditions must be predetermined; and (3) when and under what conditions the Operating Procedure or Operating Process is exited. NERC maintains that Reliability Standard EOP–010–1 does not prescribe specific actions that must be taken by responsible entities because ''a 'one-size fits all' approach to crafting GMD Reliability Standards would fail to recognize the important role of locational differences.'' [13]

11. NERC proposes that Reliability Standard EOP–010–1 become effective the ''first day of the first calendar quarter that is six months after the date that this standard is approved by an applicable governmental authority.'' [14] However, NERC states that Requirement R2 of Reliability Standard EOP–010–1, pertaining to reliability coordinator dissemination of space weather information, is meant to replace existing Requirement R3 of Reliability Standard IRO–005–3.1a, which includes similar language. Therefore, to avoid duplicative requirements being enforced at the same time, NERC proposes that, if Reliability Standard EOP–010–1 becomes effective prior to the retirement of Reliability Standard IRO–005–3.1a, then Requirement R2 of Reliability Standard EOP–010–1 will not become effective until the first day following retirement of Reliability Standard IRO–005–3.1a.

D. Notice of Proposed Rulemaking

12. On January 16, 2014, the Commission issued a Notice of Proposed Rulemaking that proposed to approve Reliability Standard EOP–010–1 as just, reasonable, not unduly discriminatory or preferential, and in the public interest based on the Commission's review of NERC's petition and supporting exhibits.[15] The NOPR stated that the Reliability Standard satisfies the directive in Order No. 779 that NERC submit one or more Reliability Standards that require owners and operators of the Bulk-Power System to develop and implement operational procedures to mitigate the effects of GMDs consistent with the reliable operation of the Bulk-Power System. The NOPR also stated that the Reliability Standard is consistent with the guidance in Order No. 779 that NERC develop Reliability Standards that, rather than require specific operational procedures, require responsible entities to develop and implement entity-specific operational procedures because owners and operators of the Bulk-Power System are most familiar with their own equipment and system configurations.[16] The NOPR further stated that the Reliability Standard requires coordination of operational procedures and processes, overseen by a functional entity with a wide-area perspective (i.e., reliability coordinators), which is consistent with the guidance in Order No. 779.[17]

13. In response to the NOPR, the Commission received 20 sets of comments. We address below the issues raised in the comments. The Appendix to this Final Rule lists the entities that filed comments in response to the NOPR.

II. Discussion

14. Pursuant to FPA section 215(d)(2), we approve Reliability Standard EOP–010–1 as just, reasonable, not unduly discriminatory or preferential, and in the public interest. As the Commission stated in Order No. 779, ''operational procedures, while not a complete solution, constitute an important first step to addressing the GMD reliability gap because they can be implemented relatively quickly . . . [and] [o]perational procedures may help alleviate abnormal system conditions due to transformer absorption of reactive power during GMD events, helping to stabilize system voltage swings, and may potentially isolate some equipment from being damaged or

[10] Operating Plan, Operating Procedure, and Operating Process are existing terms defined in the Glossary of Terms Used in NERC Reliability Standards. *See* Glossary of Terms Used in NERC Reliability Standards (effective November 21, 2013) at 49–50.

[11] NERC explains that ''if Company A submitted an Operating Procedure proposing to take Line X out of service under specified GMD conditions, and Company B submitted an Operating Procedure that relies on Line X remaining in service in the event of a GMD—it is the responsibility of the Reliability Coordinator to *identify* this conflict.'' NERC Petition at 11–12 (emphasis in original). Beyond identifying a conflict and requiring its resolution by Company A and Company B, NERC states that the review is ''not intended to be a review by the Reliability Coordinator of the technical aspects of the GMD Operating Procedures or Processes.'' *Id.* at 11.

[12] According to NERC, Reliability Standard IRO–005–3.1a will be retired once the Commission approves proposed Reliability Standard IRO–005–4, which is currently pending before the Commission. NERC Petition at 13.

[13] NERC Petition at 14.

[14] NERC Petition, Exhibit B (Implementation Plan) at 2.

[15] *Reliability Standard for Geomagnetic Disturbance Operations,* Notice of Proposed Rulemaking, 79 FR 3547 (Jan. 22, 2014), 146 FERC ¶ 61,015 (2014) (NOPR).

[16] *Id.* P 38.

[17] *Id.*

misoperated.'' [18] We determine that Reliability Standard EOP–010–1 addresses the directive in Order No. 779 that NERC submit one or more Reliability Standards that require owners and operators of the Bulk-Power System to develop and implement operational procedures to mitigate the effects of GMDs consistent with the reliable operation of the Bulk-Power System.[19] We also determine that the Reliability Standard is consistent with the guidance in Order No. 779 that NERC develop Reliability Standards that, rather than require specific operational procedures, require responsible entities to develop and implement entity-specific operational procedures because owners and operators of the Bulk-Power System are most familiar with their own equipment and system configurations.[20] Further, we determine that the Reliability Standard requires coordination of operational procedures and processes, overseen by a functional entity with a wide-area perspective (i.e., reliability coordinators), which is also consistent with the guidance in Order No. 779.[21]

15. Several commenters support approval of Reliability Standard EOP–010–1 without modification.[22] We address below the following issues raised by other commenters: (A) the applicability section of Reliability Standard EOP–010–1; (B) effectiveness of GMD operational procedures; (C) implementation plan; and (D) other issues. We also address below the violation risk factors and violation severity levels associated with Reliability Standard EOP–010–1.

A. Applicability Section of Reliability Standard EOP–010–1

NERC Petition

16. NERC submitted a white paper as part of its petition explaining the technical justification for applying Reliability Standard EOP–010–1 only to transmission operators that operate a power transformer with a high side wye-grounded winding with terminal voltage greater than 200 kV in their transmission operator areas.[23] In another white paper, NERC explains its proposal regarding the applicability of the Reliability Standard to reliability coordinators and transmission operators only.[24] The White Paper Supporting Functional Entity Applicability explains that the reliability coordinator has ''responsibility and authority for reliable operation within the Reliability Coordinator Area (RCA) . . . and includes a wide-area view with situational awareness of neighboring RCAs.'' [25] NERC states that including reliability coordinators as applicable entities ''provides the necessary coordination for planning and real-time actions.'' [26] With respect to transmission operators, NERC explains that ''[l]ike the [reliability coordinator], the [transmission operator] has responsibility and authority for the reliable operation of the transmission system within a specified area.'' [27] In addition, NERC justifies omitting balancing authorities and generator operators from the scope of the Reliability Standard. NERC explains that balancing authorities ''can be expected to address GMD impacts through use of generation . . . [but] the [balancing authority] would not initiate actions unilaterally during a GMD event and would instead respond to the direction of the [transmission operator] and [reliability coordinator].'' [28] As for generator operators, NERC states that some generator operators ''would not have the technical basis for taking steps [to mitigate GMDs] on [their] own and would instead take steps based on the [reliability coordinator's] or [transmission operator's] Operating Plans, Processes, or Procedures.'' [29] NERC also notes that generator owners and generator operators will be considered for inclusion in the Second Stage GMD Reliability Standards, ''which will require applicable entities to conduct vulnerability assessment and develop appropriate mitigation strategies . . . [and that] [s]uch mitigation strategies could include the development of Operating Procedures for applicable [generator owners] and [generator operators].'' [30]

NOPR

17. The NOPR stated that the applicability designations in Reliability Standard EOP–010–1 are appropriate, based on the justifications set forth in the white papers in Exhibits D and E of NERC's petition.

Comments

18. Foundation, SmartSense, AFS, and Baker maintain that Reliability Standard EOP–010–1 should be applicable to more entities than transmission operators having a power transformer with a high side wye-grounded winding with terminal voltage greater than 200 kV in the transmission operator area.

19. Foundation states that during the March 1989 solar storm discussed in Order No. 779, electric utilities reported effects on static VAR compensators and other reactive power equipment operating between 100 kV and 200 kV. Foundation notes that such equipment is ''designed to provide reactive power and to stabilize transmission networks during GMD.'' [31] Foundation states that Reliability Standard EOP–010–1 ''would exempt Transmission Operators with equipment operating between 100 kV and 200 kV.'' [32] Foundation requests that the Commission remand Reliability Standard EOP–010–1 to include ''owners and operators of all stabilizing and reactive power equipment operating between 100 kV and 200 kV.'' [33]

20. Foundation and SmartSense assert that the 200 kV threshold for transmission operators is inconsistent with the Commission-approved definition of bulk electric system, which generally includes assets operating at voltages of 100 kV and higher. SmartSense asserts that there is evidence that elements of the Bulk-Power System operating between 100 kV and 200kV would be substantially affected by a GMD event. In support, SmartSense cites to an Oak Ridge National Laboratory GMD Study and an article from the Idaho National Laboratory, which SmartSense states tested sub-200 kV transformers.[34] SmartSense further claims that NERC improperly relied on a cost-benefit analysis to exclude networks operating at 200 kV and below.

21. Foundation, AFS, EMP Coalition, Kappenman, and Baker maintain that Reliability Standard EOP–010–1 should

[18] Order No. 779, 143 FERC ¶ 61,147 at P 36.

[19] Reliability Standard EOP–010–1 only addresses the First Stage GMD Reliability Standards directed in Order No. 779. The Reliability Standard does not address the Second Stage GMD Reliability Standards, which NERC indicates are under development. NERC Petition at 3.

[20] Order No. 779, 143 FERC ¶ 61,147 at P 38.

[21] *Id.*

[22] *See* comments submitted by NERC, IRC, EEI, Chamber of Commerce, Dominion, AEP, ITC, and ASO.

[23] NERC Petition, Exhibit D (White Paper Supporting Network Applicability) at 1.

[24] NERC Petition, Exhibit E (White Paper Supporting Functional Entity Applicability).

[25] *Id.* at 2.

[26] *Id.*

[27] *Id.*

[28] *Id.* at 3–4.

[29] *Id.* at 4.

[30] *Id.*

[31] Foundation Comments at 10.

[32] *Id.*

[33] *Id.* at 13.

[34] SmartSense Comments at 10–11 (citing Oak Ridge National Laboratory, Electromagnetic Pulse: Effects on the U.S. Power Grid: Meta-R–319 at page 4–14 (January 2010), *available at http://www.ornl.gov/sci/ees/etsd/pes/pubs/ferc_Meta-R-319.pdf;* Idaho National Laboratory, *INL Broadens Understanding of Solar Storms* (December 16, 2013), *available at https://inlportal.inl.gov/portal/server.pt/community/newsroom/257/feature_story_details/1269?featurestory=DA_615269*).

be applicable to generator operators and/or balancing authorities.

22. Foundation states that balancing authorities have real-time responsibilities that would be essential during a GMD event. Foundation asserts that excluding balancing authorities from the applicability section of Reliability Standard EOP–010–1 is ''operationally unworkable'' because it ''assumes that the real time responsibilities of Balancing Authorities under fast-moving GMD conditions could be assumed by Reliability Coordinators.'' [35] Foundation states that the NOAA Space Weather Prediction Center would only provide 15–60 minutes warning of a severe solar storm. Foundation asserts that, given the 15–60 minute limitation, there would be insufficient time for reliability coordinators to communicate with balancing authorities, transmission operators, and generator operators following a solar storm warning because the NERC Reliability Standards require three-part communications when engaging in oral, two-party communications.

23. Foundation and Kappenman also maintain that Reliability Standard EOP–010–1 does not address generator step up (GSU) transformers, which they assert are vulnerable to GMDs. Foundation contends that generator operators have been installing GIC monitors for their GSU transformers and have taken actions to downrate their GSU transformers during solar storms. Foundation also notes that the NERC GMD Task Force developed an Operating Procedure Template for generator operators.

Commission Determination

24. We determine that the applicability section of Reliability Standard EOP–010–1 is technically justified and consistent with Order No. 779, both in terms of using a 200 kV threshold for determining applicable transmission operators and not including balancing authorities and generator operators as applicable entities.

25. We reject the argument that the applicability threshold in Reliability Standard EOP–010–1 is inconsistent with the definition of bulk electric system because it excludes transmission operators with only 200 kV transformers and below. Instead, we determine that the applicability section of Reliability Standard EOP–010–1 complies with the directive in Order No. 779 that the First Stage GMD Reliability Standards should mitigate the effects of GMDs consistent with the reliable operation of the Bulk-Power System.[36] The NERC petition and White Paper Supporting Network Applicability provide an adequate technical basis to conclude that transformers operating at 200 kV and below are likely to have a limited impact on the Bulk-Power System during a GMD event. We are not persuaded by the Foundation comments, discussed above, which do not refute this conclusion, or the materials cited by SmartSense. SmartSense cites a table in the Oak Ridge Laboratory GMD Study identifying at-risk transformers operating at 345 kV, which fall within the applicability criteria.[37] Moreover, the Oak Ridge Laboratory GMD Study found that significantly higher GIC flows occur at higher operating voltages.[38]

26. The applicability criteria for Reliability Standard EOP–010–1 determine which transmission operators must comply with the Reliability Standard (i.e., those with a power transformer with a high side wye-grounded winding with terminal voltage greater than 200 kV in the transmission operator area). While this criterion excludes transmission operators operating transformers 200 kV and below, the 200 kV threshold does not mean that applicable transmission operators will ignore reactive power supplies operating at 200 kV or below on their systems when developing the required GMD Operating Procedures or Operating Processes. Reliability Standard EOP–010–1, Requirement R3 supports this conclusion because it directs each applicable transmission operator to ''develop, maintain, and implement a GMD Operating Procedure or Operating Process to mitigate the effects of GMD events on the reliable operation of its respective system.'' Accordingly, because Requirement R3 addresses an applicable transmission operator's entire system, the requirement is not limited to transformers operating above 200 kV for the purposes of developing GMD Operating Procedures or Operating Processes by applicable transmission operators.[39]

27. The Idaho National Laboratory article cited by SmartSense stated that a simulated solar event affected ''a pair of 138kV core form, 2 winding substation transformers, which had been in-service at [Idaho National Laboratory] since the 1950s,'' through increased losses and generation of harmonics that resulted in loss of excitation.[40] The Idaho National Laboratory article does not contradict NERC's technical analysis, however. NERC does not contend that GMD events will have no effect on networks operating at 200 kV and below. Rather, the standard drafting team found that geomagnetically-induced currents generated on networks operated at 200 kV and below would be significantly less than those operated at higher voltages, a finding that is consistent with the Oak Ridge Laboratory GMD Study. Specifically, NERC's modeling of a portion of the Eastern Interconnection showed only a small change in system impact from a GMD event when 115 kV and 161 kV circuits were excluded from the model.[41] The materials cited in the comments do not rebut NERC's technical analysis. In sum, we determine that there is adequate technical justification for the 200 kV threshold for transmission operators.[42]

28. We also determine that NERC provided adequate justification not to include balancing authorities and generator operators in the applicability section of Reliability Standard EOP–

[35] Foundation Comments at 14.

[36] Order No. 779, 143 FERC ¶ 61,147 at P 29; *see also* 16 U.S.C. 824o(a)(3) (''The term 'reliability standard' means a requirement . . . to provide for the reliable operation of the bulk-power system.''); *Mandatory Reliability Standards for the Bulk-Power System,* Order No. 693, FERC Stats. & Regs. ¶ 31,242, at PP 97–98, *order on reh'g,* Order No. 693–A, 120 FERC ¶ 61,053 (2007) (explaining that each Reliability Standard will identify the set of users, owners and operators that must comply with that standard and ''NERC has indicated that in the future it may add to a Reliability Standard limitations on applicability based on electric facility characteristics such as generator nameplate ratings'').

[37] SmartSense Comments at 10 n.31 (citing Oak Ridge National Laboratory, Electromagnetic Pulse: Effects on the U.S. Power Grid: Meta-R–319 at page 4–14).

[38] *Id.* at page 1–15 (''The operating voltage of the transmission network is an important factor in determining the level of GIC flow that will occur on each part of the U.S. power grid. At the higher operating voltages, there are pronounced trends that: the average length of each line increases and the average circuit resistance decreases. These trends result in larger GIC flows in the higher voltage portions of the network, given the same geo-electric field conditions.'').

[39] *See* NERC Petition at 14 (''An Operating Procedure or Operating Process is maintained when it is kept relevant by taking into consideration system configuration, conditions or operating experiences, as needed to accomplish its purpose. Requirement R3 . . . allows entities to tailor their Operational Procedures or Processes based on the responsible entity's assessment of entity-specific factors, such as geography, geology, and system topology.'').

[40] Idaho National Laboratory, *INL Broadens Understanding of Solar Storms* (December 16, 2013), *available at https://inlportal.inl.gov/portal/server.pt/community/newsroom/257/feature_story_details/1269?featurestory=DA_615269*).

[41] NERC Petition, Exhibit D (White Paper Supporting Network Applicability) at 8 (Table A2).

[42] As we conclude that NERC provided adequate technical justification for the 200 kV applicability threshold, there is no reason to address SmartSense's assertion that NERC improperly based the 200 kV threshold on a cost-benefit analysis.

010–1. We disagree with Foundation's assertion that balancing authorities should be included in the applicability section because reliability coordinators are incapable of communicating quickly with transmission operators, generator operators, and balancing authorities due to the three-part communications requirement in Reliability Standard COM–002–2. We are not persuaded that GMD events pose unique communication problems for reliability coordinators because a reliability coordinator may only have 15–60 minutes warning of a severe solar storm. Reliability coordinators are responsible for real-time system reliability and often must respond quickly or even immediately to Bulk-Power System events with little or no warning.[43] Reliability Standard COM–002–2, Requirement R1 recognizes this responsibility by stating that ''[e]ach Transmission Operator, Balancing Authority, and Generator Operator shall have communications (voice and data links) with appropriate Reliability Coordinators, Balancing Authorities, and Transmission Operators . . . [and] [s]uch communications shall be staffed and available for addressing a real-time emergency condition.''

29. With respect to generator operators, there is no dispute that GSU transformers are susceptible to geomagnetically-induced currents. While generator operators are not listed as applicable entities in Reliability Standard EOP–010–1, NERC explains that generator operators will have to act during a GMD event when directed by a reliability coordinator, in accordance with its reliability coordiantor's GMD Operating Plan, or by a transmission operator, in accordance with its transmission operator's GMD Operating Procedures or Operating Processes.[44] We are not persuaded that generator operators should be required to act independently under Reliability Standard EOP–010–1. While generator operators might be, as Foundation asserts, increasingly installing GIC monitoring equipment, there is no evidence in the record regarding the proportion of generator operators with GIC monitoring capabilities. Accordingly, we agree with NERC that at least some generator operators would not have the technical basis to address a GMD event and would instead need to rely on reliability coordinators and transmission operators for direction.[45] We also note that the Geomagnetic Disturbance Operating Procedure Template for generator operators developed by the NERC GMD Task Force, which the Foundation's comments reference, conditions some of its suggested actions on the generator operator having adequate monitoring systems.[46] In sum, we are not persuaded by Foundation's comments and, rather, determine that there is adequate justification in the record for not including balancing authorities and generator operators in the applicability section of Reliability Standard EOP–010–1.[47]

B. Effectiveness of GMD Operational Procedures

NERC Petition

30. NERC states, quoting Order No. 779, that ''[o]perational procedures may help alleviate abnormal system conditions due to transformer absorption of reactive power during GMD events, helping to stabilize system voltage swings, and may potentially isolate some equipment from being damaged or misoperated.''[48] NERC explains that Reliability Standard EOP–010–1 ''is an important first step in addressing the issue of GMDs and can be implemented relatively quickly. While responsible entities will develop and implement Operational Procedures or Operational Processes, NERC will continue to support those efforts through the GMD Task Force, for example, by identifying and sharing Operating Plans, Processes, and Procedures found to be the most effective.''[49]

NOPR

31. The NOPR stated that Reliability Standard EOP–010–1 satisfies the directive in Order No. 779 that NERC submit one or more Reliability Standards that require owners and operators of the Bulk-Power System to develop and implement operational procedures to mitigate the effects of GMDs consistent with the reliable operation of the Bulk-Power System. The NOPR also stated that operational procedures, while not a complete solution, constitute an important first step to addressing the GMD reliability gap.

Comments

32. SmartSense and Orquin state that GMD operational procedures depend on the limited ability to predict GMD events. SmartSense states that space weather information is the ''default trigger'' for implementing operating procedures under Reliability Standard EOP–010–1 but that space weather forecasts have a high error rate. SmartSense contends that relying on space weather forecasts alone will result in false alarms or missed GMD event forecasts. SmartSense maintains that real-time or near real-time monitoring data should be used in conjunction with space weather forecasts to trigger GMD operational procedures.

33. Baker states that operational procedures will be ineffective because: (1) Grid operators will be reluctant to take action during a GMD event (e.g., shed load); (2) the warning period for solar storms does not allow enough time for grid operators to take action; (3) grid operators will not have enough situational awareness to know how to take action during a GMD event; (4) there is no capacity to address GMD events on a national scale; (5) operational procedures have been shown to be inadequate in other contexts; (6) equipment failure may undermine the grid operators' ability to respond; (7) GMD events will disrupt communication networks used by grid operators; (8) the potential effects of a GMD event on the Bulk-Power System are too complex to anticipate; and (9) Regional Transmission Organizations and Independent System Operators do not have the authority to shut down the grid in neighboring Regions. Foundation states that grid operators will have to act blindly during a GMD event because Reliability Standard EOP–010–1 does not require GIC monitoring or mandatory sharing of GIC monitoring data. Foundation also states that Reliability Standard EOP–010–1 is ineffective because it does not require ''quantified contingency planning.'' Orquin maintains that operational procedures are of limited value and recommends using monitoring equipment and blocking devices at least as a back-up measure.

[43] NERC, Reliability Functional Model Technical Document, Version 5, at 7 (Approved May 2010), *available at http://www.nerc.com/pa/Stand/Functional%20Model%20Archive%201/FM_Technical_Document_V5_2009Dec1.pdf.*

[44] NERC Petition, Exhibit E (White Paper Supporting Functional Entity Applicability) at 2–4.

[45] *Id.* at 4.

[46] NERC, Geomagnetic Disturbance Operating Procedure Template Generator Operator, at 1, *available at http://www.nerc.com/docs/pc/gmdtf/Template_GOP.pdf* (''Some actions listed below should only be undertaken if supported by an adequate GIC impact study and/or if adequate monitoring systems are available. Otherwise they can make matters worse.'').

[47] While not basing our determination on NERC's representation or pre-judging what NERC ultimately submits in the Second Stage GMD Reliability Standards, we note NERC's statement that the standard drafting team for the Second Stage GMD Reliability Standards is considering including generator owners and generator operators in the applicability section of that proposed Reliability Standard. NERC Petition, Exhibit E at 4.

[48] NERC Petition at 3 (quoting Order No. 779, 143 FERC ¶ 61,147 at P 36).

[49] *Id.* at 3–4.

Commission Determination

34. As the Commission stated in Order No. 779, operational procedures are not a complete solution to the risks posed by a GMD event to the Bulk-Power System. Order No. 779 directed NERC to develop Reliability Standards that require operational procedures because such Reliability Standards could be developed and implemented relatively quickly. While we recognize the concerns in the comments of Baker and others regarding the efficacy of operational procedures, Order No. 779 weighed those concerns in ultimately directing NERC to develop operational procedures in the First Stage GMD Reliability Standards and more comprehensive protections in the Second Stage GMD Reliability Standards.[50] We affirm the determination in Order No. 779 that operational procedures constitute ''an important first step to addressing the GMD reliability gap because they can be implemented relatively quickly . . . [and] may help alleviate abnormal system conditions due to transformer absorption of reactive power during GMD events, helping to stabilize system voltage swings, and may potentially isolate some equipment from being damaged or misoperated.'' [51]

35. With respect to the concerns raised by SmartSense regarding overreliance on space weather forecasts to trigger GMD operational procedures, Reliability Standard EOP–010–1 does not mandate the use of space weather to trigger the GMD operational procedures. While Requirement R2 requires reliability coordinators to disseminate current and forecasted space weather conditions to the appropriate functional entities, Requirement R3 requires transmission operators to develop Operating Procedures or Operating Processes that, at a minimum, include ''System Operator actions to be initiated based on predetermined conditions.'' Those ''predetermined conditions'' might include space weather information or other data, including GIC monitoring data, if available. Requirement R3 ultimately leaves it to the transmission operator to define the predetermined conditions in its Operating Procedure or Operating Process. Accordingly, we disagree that Reliability Standard EOP–010–1 requires that initiation of GMD operating procedures be based upon space weather only.

36. We are not persuaded that the First Stage GMD Reliability Standards should require all responsible entities to monitor GICs or mandate sharing GIC monitoring data with reliability coordinators, as Foundation contends. As explained above, we directed NERC to develop only operational procedures in the First Stage GMD Reliability Standards, and to develop more comprehensive protections in the Second Stage GMD Reliability Standards. The issue of monitoring requirements properly belongs in the Second Stage GMD Reliability Standards.[52]

37. In terms of real-time sharing of GIC information with reliability coordinators, we note that Reliability Standard COM–002–2, Requirement R1.1 states that ''[e]ach Balancing Authority and Transmission Operator shall notify its Reliability Coordinator, and all other potentially affected Balancing Authorities and Transmission Operators through predetermined communication paths of any condition that could threaten the reliability of its area or when firm load shedding is anticipated.'' Accordingly, if a transmission operator monitors GIC levels that could threaten the reliability of its area of the Bulk-Power System, the transmission operator would have to communicate that information to its reliability coordinator.[53] With respect to Foundation's comment that Reliability Standard EOP–010–1 should include ''quantified contingency planning,'' Foundation does not explain the meaning of this term. In any case, we note that Reliability Standard EOP–010–1, Requirement R3 requires applicable transmission operators to ''develop, maintain, and implement a GMD Operating Procedure or Operating Process to mitigate the effects of GMD events on the reliable operation of its respective system.''

C. Implementation Plan and Effective Dates

NERC Petition

38. The NERC petition proposes that Reliability Standard EOP–010–1 become effective the ''first day of the first calendar quarter that is six months after the date that this standard is approved by an applicable governmental authority.'' [54] However, NERC states that Requirement R2 of Reliability Standard EOP–010–1, pertaining to reliability coordinator dissemination of space weather information, is meant to replace existing Requirement R3 of Reliability Standard IRO–005–3.1a, which includes similar language. Therefore, to avoid duplicative requirements being enforced at the same time, NERC proposes that, if Reliability Standard EOP–010–1 becomes effective prior to the retirement of Reliability Standard IRO–005–3.1a, then Requirement R2 of Reliability Standard EOP–010–1 will not become effective until the first day following retirement of Reliability Standard IRO–005–3.1a.[55] According to NERC's petition, Requirements R1 and R3 of Reliability Standard EOP–010–1 are not affected by the possible retirement of IRO–05–3.1a and, thus, will be effective the first day of the first calendar quarter that is six months after the date that the Reliability Standard is approved by an applicable governmental authority.[56]

NOPR

39. The NOPR proposed to approve NERC's implementation plan and effective dates for Reliability Standard EOP–010–1.

[50] In Order No. 779, the Commission noted that some entities have already implemented operational procedures that address GMD events. Order No. 779, 143 FERC ¶ 61,147 at P 37.

[51] Order No. 779, 143 FERC ¶ 61,147 at P 36.

[52] We will also consider then the need for the Second Stage GMD Reliability Standard's planning requirements to integrate appropriately with the First Stage GMD Reliability Standard's operating requirements.

[53] We do not address here the issue of access to GMD monitoring data for other purposes, such as reassessing the benchmark GMD event, since this issue too belongs properly in the Second Stage GMD Reliability Standards.

[54] NERC Petition, Exhibit B (Implementation Plan) at 2.

[55] We agree with NERC that Reliability Standard IRO–005–3.1a, Requirement R3, which requires that ''[e]ach Reliability Coordinator shall ensure its Transmission Operators and Balancing Authorities are aware of Geo-Magnetic Disturbance (GMD) forecast information and assist as needed in the development of any required response plans,'' and Requirement R2 of Reliability Standard EOP–010–1, which requires that ''[e]ach Reliability Coordinator shall disseminate forecasted and current space weather information to functional entities identified as recipients in the Reliability Coordinator's GMD Operating Plan,'' are largely duplicative in that both requirements require the dissemination of GMD forecast information, at a minimum, to applicable transmission operators.

[56] NERC Petition, Exhibit B (Implementation Plan) at 2. On April 16, 2013, NERC submitted a petition requesting approval of three revised IRO Reliability Standards and the retirement or revision of six currently-effective Reliability Standards, including IRO–005–3.1a (Docket No. RM13–15–000). On November 21, 2013, the Commission issued a Notice of Proposed Rulemaking that, *inter alia,* proposes to remand the proposed IRO Reliability Standards and related retirements and revisions. *See Monitoring System Conditions—Transmission Operations Reliability Standard, Transmission Operation Reliability Standards, Interconnection Reliability Operations and Coordination Reliability Standards,* Notice of Proposed Rulemaking, 78 FR 73,112 (Dec. 5, 2013), 145 FERC ¶ 61,158 (2013). On January 14, 2014, the Commission granted NERC's motion to defer action, until January 31, 2015, on the rulemaking in Docket No. RM13–15–000. *Monitoring System Conditions—Transmission Operations Reliability Standard, Transmission Operation Reliability Standards, Interconnection Reliability Operations and Coordination Reliability Standards,* 146 FERC ¶ 61,023 (2014).

Comments

40. APS states that a six-month implementation period is not a sufficient amount of time to create a new Operating Process or Operating Procedure. APS explains that it will develop an Operation Process or Operating Procedure after its reliability coordinator develops an Operating Plan that identifies the activities designed to mitigate the effects of GMD events on the Bulk-Power System. APS states that its Operating Process or Operating Procedure will then be reviewed by the reliability coordinator, and that it is unrealistic to expect all this to be done in six months. APS proposes allowing the reliability coordinator six months to develop its Operating Plan and then allowing transmission operators a further six months to develop their Operating Processes or Operating Procedures.

Commission Determination

41. We determine that a six-month implementation period, as proposed by NERC, allows enough time for reliability coordinators and transmission operators to implement the requirements of Reliability Standard EOP–010–1. Only APS indicates that a six-month period does not afford applicable entities enough time to implement the Reliability Standard. No other commenter expresses similar concerns. Further, we see no reason why, as APS contends, a transmission operator must wait until its reliability coordinator has completed its Operating Plan before the transmission operator begins work on its Operating Process or Operating Procedure. Reliability coordinators and transmission operators should be able to work largely in parallel and coordinate their efforts to implement the requirements of the Reliability Standard. Accordingly, we approve the implementation plan and effective dates proposed by NERC.

D. Other Issues

42. Commenters express concern that Reliability Standard EOP–010–1 does not address electromagnetic pulses (EMPs).[57] However, Order No. 779 explicitly stated that EMPs were not within the scope of that rulemaking, which led to NERC's petition here.[58] Likewise, Reliability Standard EOP–010–1 is responsive to the Commission directive, and comments critiquing the Reliability Standard for not addressing EMPs are outside the scope of the immediate proceeding.

43. Other commenters criticize the NERC Board of Trustees' approval of Reliability Standard EOP–010–1 because ''no substantive discussion occurred at the November 7 meeting [at which the NERC Board of Trustees approved the Reliability Standard] and, as a result, the public was deprived of its right for due process under Section 215 of the Federal Power Act.'' [59] We find no basis to conclude that the NERC Board of Trustees either violated the NERC Rules of Procedure or otherwise acted improperly in approving Reliability Standard EOP–010–1. Foundation does not identify any rule or other provision that, it claims, the NERC Board of Trustees violated in allegedly failing to conduct a ''substantive discussion'' at the November 7 meeting. Moreover, in considering whether to approve Reliability Standard EOP–010–1, the Commission established this rulemaking docket to provide the public with an opportunity to comment; thus the public has been afforded adequate due process under FPA section 215. This is in addition to opportunities to participate in NERC's standard development process, by submitting comments or otherwise.

44. In response to a comment that Reliability Standard EOP–010–1 could interfere with the development of state-level efforts to address GMD events,[60] we note that FPA section 215(j)(3) provides in relevant part that section 215 does not ''preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.'' We also observe that Reliability Standard EOP–010–1 does not preclude users, owners and operators of the Bulk-Power System from taking additional steps that are designed to mitigate the effects of GMD events, provided those additional steps are not inconsistent with the Commission-approved Reliability Standards.

E. Violation Risk Factors and Violation Severity Levels

45. Each requirement of proposed Reliability Standard EOP–010–1 includes one violation risk factor and has an associated set of at least one violation severity level. The ranges of ERO penalties for violations will be based on the sanctions table and supporting penalty determination process described in the Commission-approved NERC Sanction Guidelines, according to the NERC petition. The NOPR proposed to approve the proposed violation risk factors and violation severity levels for the requirements proposed in Reliability Standard EOP–010–1 as consistent with the Commission's established guidelines.[61] The Commission did not receive any comments regarding this aspect of the NOPR. Accordingly, the Commission approves the violation risk factors and violation severity levels for the requirements in Reliability Standard EOP–010–1.

III. Information Collection Statement

46. The Office of Management and Budget (OMB) regulations require approval of certain information collection requirements imposed by agency rules. Upon approval of a collection(s) of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of an agency rule will not be penalized for failing to respond to these collections of information unless the collections of information display a valid OMB control number. The Paperwork Reduction Act (PRA) requires each federal agency to seek and obtain OMB approval before undertaking a collection of information directed to ten or more persons, or contained in a rule of general applicability.

47. The Commission is submitting these reporting requirements to OMB for its review and approval under section 3507(d) of the PRA. The Commission solicited comments on the need for and the purpose of the information contained in Reliability Standard EOP–010–1 and the corresponding burden to implement the Reliability Standard. The Commission received comments on specific requirements in the Reliability Standard, which we address in this Final Rule. However, the Commission did not receive any comments on our reporting burden estimates or on the need for and the purpose of the information collection requirements.

48. The Commission based its paperwork burden estimates on the NERC compliance registry as of November 27, 2013. According to the registry, there are 16 reliability coordinators and 183 transmission operators.

49. The Commission estimates an increased burden for each requirement, as explained in the chart below, for a total estimated burden of $238,800. The

[57] *See* comments submitted by Orquin, EMP, Stolov, and Baker.

[58] Order No. 779, 143 FERC ¶ 61,147 at P 14 n.20.

[59] Foundation Comments at 45; *see also* CSP Comments at 1.

[60] Maine Representative Boland Comments at 3.

[61] *See North American Electric Reliability Corp.*, 135 FERC ¶ 61,166 (2011).

Commission based the burden estimates on staff experience, knowledge, and expertise:

BURDEN ESTIMATE FOR IMPLEMENTATION OF RELIABILITY STANDARD EOP–010–1

Reliability Standard No.	Type of respondents	Number of respondents (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)×(2)×(3)	Total annual cost [62]
EOP–010–1 (R1)	Reliability Coordinator	16	1	20	320	$19,200 ($60/hr)
EOP–010–1 (R3)	Transmission Operator	183	1	20	3660	219,600 ($60/hr)
Total					3980	238,800

50. The above chart does not include Reliability Standard EOP–010–1, Requirement R2 because, as NERC states, that requirement replaces IRO–005–3.1a, Requirement R3 and has no change in overall burden. In addition, while our burden estimate with respect to Reliability Standard EOP–010–1, Requirement R3 assumes that all 183 transmission operators are subject to that requirement, we note that not all 183 transmission operators are likely to be subject to Requirement R3 because that requirement only applies to transmission operators with a Transmission Operator Area that includes a power transformer with a high side, wye-grounded winding with terminal voltage greater than 200 kV.

Title: FERC–725S, Mandatory Reliability Standards: Reliability Standard EOP–010–1.

Action: Proposed Collection of Information.

OMB Control No: 1902–0270.

Respondents: Business or other for profit, and not for profit institutions.

Frequency of Responses: One-time and ongoing.

Necessity of the Information: Reliability Standard EOP–010–1 implements the Congressional mandate of the Energy Policy Act of 2005 to develop mandatory and enforceable Reliability Standards to better ensure the reliability of the nation's Bulk-Power System. Specifically, the Reliability Standard ensures that responsible entities have Operating Plans and Operating Procedures or Processes in place to mitigate the effects of geomagnetic disturbances on the Bulk-Power System.

Internal review: The Commission has reviewed Reliability Standard EOP–010–1 and has determined that the Reliability Standard is necessary to ensure the reliability and integrity of the Nation's Bulk-Power System.

51. Interested persons may obtain information on the reporting requirements by contacting: Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426 [Attention: Ellen Brown, Office of the Executive Director, email: *DataClearance@ferc.gov*, Phone: (202) 502–8663, fax: (202) 273–0873]. Comments on the requirements of this rule may also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission]. For security reasons, comments should be sent by email to OMB at *oira_submission@omb.eop.gov*. Comments submitted to OMB should include Docket Number RM14–1–000.

IV. Environmental Analysis

52. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[63] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Included in the exclusion are rules that are clarifying, corrective, or procedural or that do not substantially change the effect of the regulations being amended.[64] The actions here fall within this categorical exclusion in the Commission's regulations.

V. Regulatory Flexibility Act

53. The Regulatory Flexibility Act of 1980 (RFA)[65] generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities.

54. The NOPR compared the NERC compliance registry with data submitted to the Energy Information Administration on Form EIA–861, which indicated that perhaps as many as 34 small entities were registered as transmission operators and no small entities were registered as reliability coordinators. However, the Commission estimated in the NOPR that there will be no material change in burden for the 34 transmission operators that qualified as small entities because they will likely not be subject to Reliability Standard EOP–010–1. Reliability Standard EOP–010–1 applies to transmission operators with a Transmission Operator Area that includes a power transformer with a high side, wye-grounded winding with terminal voltage greater than 200 kV. The NOPR stated that transmission operators with Transmission Operator Areas that include a power transformer with a high side, wye-grounded winding with terminal voltage greater than 200 kV are generally large entities serving substantial geographical areas with significant energy output. The Commission did not receive any comments regarding this aspect of the NOPR.

55. Since the issuance of the NOPR, the Small Business Administration changed the small business size standard applicable to reliability coordinators and transmission operators. The Commission currently does not have an estimate of the number of small reliability coordinators and transmission operators using the new

[62] The estimated hourly loaded cost (salary plus benefits) for an engineer is assumed to be $60/hour, based on salaries as reported by the Bureau of Labor Statistics (BLS) (*http://bls.gov/oes/current/naics2_22.htm*). Loaded costs are BLS rates divided by 0.703 and rounded to the nearest dollar (*http://www.bls.gov/news.release/ecec.nr0.htm*). While the BLS figures have been updated since the issuance of the NOPR, the new BLS figures are not significantly different. For consistency, the Commission continues with the same loaded cost figure used in the NOPR.

[63] *Regulations Implementing the National Environmental Policy Act,* Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs., Regulations Preambles 1986–1990 ¶ 30,783 (1987).

[64] 18 CFR 380.4(a)(2)(ii).

[65] 5 U.S.C. 601–612.

size standard. However, the Commission still estimates that the specific applicability of Reliability Standard EOP–010–1 means that generally only large entities will have to meet the new requirements.

56. Based on the above, the Commission certifies that Reliability Standard EOP–010–1 will not have a significant impact on a substantial number of small entities. Accordingly, no initial regulatory flexibility analysis is required.

VI. Document Availability

57. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

58. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

59. User assistance is available for eLibrary and the Commission's Web site during normal business hours from the Commission's Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov*, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov*.

VII. Effective Date and Congressional Notification

60. These regulations are effective August 25, 2014. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB, that this rule is not a ''major rule'' as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996.

By the Commission.

Issued: June 19, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

Appendix

Commenters

Abbreviation	Commenter
AEP	American Electric Power Service Corporation.
AFS	Advanced Fusion Systems.
APS	Arizona Public Service Company.
ASO	Atomic Safety Organization.
Baker	George H. Baker.
Maine Representative Boland	Hon. Andrea M. Boland, Maine State Representative.
CSP	Center for Security Policy.
Dominion	Dominion Resources Services, Inc.
EEI	Edison Electric Institute.
EMP Coalition	EMP Coalition.
Emprimus	Emprimus LLC.
Chamber of Commerce	Institute for 21st Century Energy, U.S. Chamber of Commerce.
Foundation	Foundation for Resilient Societies.
IRC	ISO/RTO Council.
ITC	International Transmission Company.
Kappenman	John G. Kappenman.
NERC	North American Electric Reliability Corporation.
Orquin	Alberto Ramirez Orquin.
SmartSenseCom	SmartSenseCom, Inc.
Stolov	Jerome J. Stolov.

[FR Doc. 2014–14849 Filed 6–24–14; 8:45 am]

BILLING CODE 6717–01–P

INTERNATIONAL TRADE COMMISSION

19 CFR Parts 201 and 207

[Docket No. MISC–013]

Conduct of Antidumping and Countervailing Duty Investigations and Reviews

AGENCY: International Trade Commission.

ACTION: Final rule.

SUMMARY: The United States International Trade Commission (''Commission'') amends its Rules of Practice and Procedure concerning rules of general application, and provisions concerning the conduct of antidumping and countervailing duty investigations and reviews. The amendments are designed to increase efficiency in processing and reviewing documents filed with the Commission and reduce Commission expenditures.

DATES: This regulation is effective July 25, 2014. This regulation is applicable to all proceedings pending before the Commission as of July 25, 2014.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary, telephone (202) 205–2000, or David Goldfine, Attorney-Advisor, Office of the General Counsel, telephone (202) 708–5452, United States International Trade Commission. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at (202) 205–1810. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 335 of the Tariff Act of 1930 (19 U.S.C. 1335) authorizes the Commission to adopt such reasonable procedures, rules, and regulations as it deems necessary to carry out its functions and duties. This rulemaking seeks to improve provisions of the Commission's existing Rules of Practice and Procedure. The Commission is amending Part 201 of its rules, which are rules of general application. The Commission also is amending Part 207 of its rules covering proceedings such as investigations and reviews conducted under title VII of the Tariff Act of 1930 (''title VII proceedings''). The Commission published a notice of

proposed rulemaking (NOPR) in the **Federal Register** at 78 FR 36446–36449 (June 18, 2013), proposing to amend the Commission's Rules of Practice and Procedure to make certain changes to rules of general application and provisions concerning the conduct of antidumping and countervailing duty investigations and reviews.

Although the Commission considers these rules to be procedural, which are excepted from notice-and-comment under 5 U.S.C. 553(b)(3)(A), the Commission invited the public to comment on all the proposed rules amendments. The NOPR requested public comment on the proposed rules within 60 days of publication of the NOPR. Three law firms which regularly appear before the Commission in Title VII proceedings filed comments: (1) Wiley Rein LLP, (2) Stewart and Stewart LLP, and (3) Cassidy Levy Kent LLP. Wiley Rein LLP filed its comments on behalf of Nucor Corporation, a domestic producer of steel products that frequently appears before the Commission in Title VII proceedings. Stewart and Stewart LLP and Cassidy Levy Kent LLP each filed comments on its own behalf.

The Commission carefully considered all comments received. The Commission's response is provided below in a section-by-section analysis. The Commission appreciates the time and effort the commentators devoted to provide comments on the NOPR.

Regulatory Analysis of Amendments to the Commission's Rules

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) is inapplicable to this rulemaking because it is not one for which a notice of final rulemaking is required under 5 U.S.C. 553(b) or any other statute. Although the Commission chose to publish a notice of proposed rulemaking, these regulations are ''agency rules of procedure and practice,'' and thus are exempt from the notice requirement imposed by 5 U.S.C. 553(b). Moreover, the rules are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The rules do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

The rules do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

The rules do not constitute a ''significant regulatory action'' under Executive Order 12866 (58 FR 51735, October 4, 1993).

The rules do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, October 7, 1999).

The amendments are not major rules as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 et. seq.). Moreover, they are exempt from the reporting requirements of the Act because they concern rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.

Overview of the Amendments to the Regulations

Most of the final rules set forth in this document are identical to the correspondingly numbered proposed rules published on June 18, 2013. For two of the proposed rules (§§ 207.10 and 207.45), no comments were submitted. The Commission found no reason to change those proposed rules on its own before adopting them as final rules. Thus, the preamble to those unchanged final rules is as set forth in the section-by-section analysis of the proposed rules found at 78 FR 36446–36449 (June 18, 2013).

The Commission did receive comments with suggestions for modifications pertaining to the other proposed rules. Those suggestions and the views of the Commission are summarized in the section-by-section analysis of this final rule. The commentary in the June 18, 2013, notice is considered part of the preamble to these final rules, to the extent that such commentary is not inconsistent with the discussion below.

The final rules differ from the proposed rules in two respects. First, with respect to § 201.8, relating to the filing of documents, the Commission has not adopted the proposed securely bound provision in paragraph (d). Second, the Commission has determined to amend its rules to require filing of nine confidential and two non-confidential copies of briefs and other written submissions (rather than eight confidential and four non-confidential copies as required under the current rules) in preliminary and final phase investigations and five-year reviews as reflected in the amendments to §§ 201.8(f), 207.15, 207.23, 207.25, 207.28, 207.30, 207.61(e), 207.62(b)(2), 207.65, 207.67(a), and 207.68(b). These amendments simply change the apportionment of confidential and nonconfidential copies of these written submissions in order to better meet the needs of Commission staff and reduce internal photocopying expenses and will result in a reduction of the overall number of copies that need to be filed. While the amendments to these provisions were not included in the proposed rules and therefore the Commission did not receive comments on them, there is no advance notice requirement for procedural changes to rules such as these under the Administrative Procedure Act. See 5 U.S.C. 553(b)(A). Moreover, in the proposed rulemaking, the Commission received comments with respect to the Commission's retention of paper filing requirements in § 201.8, and those comments are addressed below.

Section-by-Section Analysis

19 CFR Part 201

Subpart B—Initiation and Conduct of Investigations

201.8 Filing of Documents

The NOPR proposed to amend paragraph (d) of § 201.8 by requiring that all paper copies of electronic submissions exceeding fifty (50) pages in length be securely bound and have a divider page and an identifying tab preceding each exhibit and/or attachment. Wiley Rein LLP objected to the proposed amendment as ''duplicative,'' emphasizing that parties are already required to supply searchable electronic versions of documents to the Commission. Wiley Rein LLP also asserted that preparing bound paper copies imposes an additional burden on the parties appearing before the Commission. Cassidy Levy Kent LLP urged the Commission to ''abolish'' all paper filing requirements, emphasizing that many other federal agencies and the U.S. Court of International Trade have transitioned from paper to electronic filing.

We adopt the proposed amendments to the rule as drafted in the NOPR, except for the bound copy requirement. We find the commenters' suggestion that the proposed bound copy requirement not be adopted to be persuasive. We also acknowledge that there is a trend toward greater electronic filing in agency and court proceedings. For now, however, the Commission and its staff will need to continue to rely on receiving paper copies of documents in light of the tight deadlines and voluminous factual records entailed by AD/CVD investigations and reviews, as well as the constraints of current technology and the Commission's ability to adopt new technology given budgetary restrictions. Requiring divider pages and tabs for exhibits and

attachments will facilitate review of lengthy, multi-part documents by Commission staff. The Commission will continue to monitor requirements pertaining to filing of documents as technology develops.

The Commission has amended paragraph (f) of § 201.8 to require that two copies of nonconfidential documents be filed. As explained above, this is one of several changes that will result in an overall reduction in the number of paper copies of certain submissions to the Commission.

19 CFR Part 207

207.10 Filing of Petition With the Commission

The NOPR proposed to amend paragraph (a) of § 207.10 to require one unbound copy of petitions. None of the comments addressed this specific proposal. Accordingly, we adopt the proposed amendment to the rule as drafted in the NOPR.

Contents of Petition

The NOPR proposed to amend § 207.11(b)(2)(ii) and (iii) by requiring petitioners to provide email addresses for all U.S. producers and U.S. importers identified in the petition. Although the current rules specify that petitioners are required to provide contact information for U.S. producers and U.S. importers, the information required includes street addresses, phone numbers, and contact person(s), but not email addresses. Wiley Rein LLP objected to the proposed amendments as impracticable, particularly in instances where petitioning firms and U.S. importers are competitors. While acknowledging that the proposed amendments are generally sensible, Stewart and Stewart LLP urged the Commission to require parties to provide such information only when it is ''reasonably available.''

We adopt the proposed amendments to § 207.11(b)(2)(ii) and (iii) as drafted in the NOPR. We are mindful that the objective of the proposals is to facilitate the electronic distribution of questionnaires. Under the proposed amendments, email addresses for individual contact persons are required only for domestic producers, which petitioners should be readily able to obtain. For importers, there is no requirement to provide email addresses for an individual contact person; instead, a general corporate email account is sufficient, which petitioners should be readily able to obtain. Moreover, as under § 207.11(b)(3), petitioners need not provide information that they can certify is not reasonably available to them.

The NOPR proposed to amend § 207.11(b)(2)(v) by requiring that petitioners provide the email address, street address, city, state, and 5-digit zip code for each purchaser/contact with respect to each lost sales or lost revenue allegation. Only Wiley Rein LLP commented on this proposal. It asserted that the Commission's current approach to investigating lost sales and lost revenues allegations is overly rigid and that the proposed amendment will only further increase the number of lost sales or lost revenue allegations that go uninvestigated.

We adopt the proposed amendment as drafted in the NOPR. It is not true that Commission staff will not investigate lost sales/lost revenues investigations unless each element of the requested contact information is provided. If no contact information is provided for a purchaser, Commission staff will be unable to investigate the allegation. If some information is provided, Commission staff will make reasonable efforts to investigate the allegation in light of available resources. While there may be valid concerns with easing the burden of the process by which lost sales and lost revenue allegations are actually verified by the Commission, it is important to keep in mind that this amendment is designed to facilitate the Commission staff's ability to contact purchasers concerning transmission of lost sales and lost revenue allegations in the first instance. Since email is now the most common means of corporate contact, requiring petitioners to provide email addresses for purchasers is no more burdensome than requiring petitioners to provide phone contact information. Also, under § 207.11(b)(3), petitioners currently are not required to provide information that they can certify is not reasonably available to them. Consequently, contact information that is not reasonably available need not be furnished by petitioners if the required certification is provided.

The NOPR also proposed to amend § 207.11(b)(2)(v) by requiring that petitioners file any lost sales or revenue allegation(s) identified in the petition via a separate electronic data entry process in a manner to be specified in the Commission's Handbook on Filing Procedures. Only Wiley Rein LLP commented on this proposal. While it did not specifically object to the proposed amendment, it cautioned that any electronic filing system for cataloguing lost sales and lost revenue allegations must be secure and flexible enough to permit petitioners to update lost sales and lost revenue allegations throughout the investigation.

We adopt the proposed amendment as drafted in the NOPR. Commission staff is still in the process of examining possible methods for electronic entry of data pertaining to lost sales and lost revenues allegations. Some basic requirements will be specified in the Commission's Handbook on Filing Procedures. As the technology available to the Commission staff evolves, these requirements may be modified.

207.15 Written Briefs and Conference

The Commission has amended the rule to require that nine copies of confidential briefs and witness testimony be filed in preliminary phase investigations. As explained above, this is one of several changes that will better facilitate work by Commission staff while resulting in an overall reduction in the number of paper copies of certain submissions to the Commission. The Commission has considered comments submitted in response to the NOPR objecting to the retention of requirements for filing of paper copies, but as indicated in the adopted amendments to § 201.8, believes retention of these requirements is necessary at this time.

207.20 Investigative Activity Following Preliminary Determination

The NOPR proposed to amend paragraph (b) of § 207.20 by requiring that all requests for collecting new information be presented at the draft questionnaire stage in final phase investigations. Wiley Rein LLP objected to the proposed amendment, claiming that the need to collect information may not be apparent until after comments on the draft questionnaires are submitted. While acknowledging that the proposed amendment is sensible, Stewart and Stewart nevertheless argued that where a party comes across some new development or information after comments on the draft questionnaires have been filed and can demonstrate the relevance of this information, the Commission should accept a request to collect the information to ensure it has a complete record.

We adopt the proposed amendment to the rule as drafted in the NOPR. Prior to the final phase questionnaires being issued for comment, there already has been a preliminary phase investigation. With this in mind, parties should be able to ascertain, either from their participation in the preliminary phase investigation or their review of the record, what the contested issues in a final phase investigation are likely to be and the types of additional data that

should be gathered. While we appreciate the concerns expressed by the commenters, it is important to remember that the rule is not an absolute bar from making subsequent information requests, but permits such requests to be made when there is a compelling need for the information and when the information could not have been requested in the comments on draft questionnaires.

207.23 Prehearing Brief

The Commission has amended the rule to require that nine copies of confidential prehearing briefs be filed in final phase investigations. As explained above, this is one of several changes that will facilitate work by Commission staff while resulting in an overall reduction in the number of paper copies of certain submissions to the Commission. The Commission has considered comments submitted in response to the NOPR objecting to the retention of requirements for filing of paper copies, but as indicated in the adopted amendments to § 201.8, believes retention of these requirements is necessary at this time.

207.25 Posthearing Briefs

The Commission has amended the rule to require that nine copies of posthearing briefs be filed in final phase investigations. As explained above, this is one of several changes that will facilitate work by Commission staff while resulting in an overall reduction in the number of paper copies of certain submissions to the Commission. The Commission has considered comments submitted in response to the NOPR objecting to the retention of requirements for filing of paper copies, but as indicated in the adopted amendments to § 201.8, believes retention of these requirements is necessary at this time.

207.28 Anticircumvention

The Commission has amended the rule to require that nine copies of written submissions concerning anticircumvention matters be filed in final phase investigations. As explained above, this is one of several changes that will facilitate work by Commission staff while resulting in an overall reduction in the number of paper copies of certain submissions to the Commission. The Commission has considered comments submitted in response to the NOPR objecting to the retention of requirements for filing of paper copies, but as indicated in the adopted amendments to § 201.8, believes retention of these requirements is necessary at this time.

207.30 Comment on Information

The Commission has amended the rule to require the filing of nine copies of comments on information disclosed to the parties after they have filed their posthearing brief pursuant to § 207.25. As explained above, this is one of several changes that will facilitate work by Commission staff while resulting in an overall reduction in the number of paper copies of certain submissions to the Commission. The Commission has considered comments submitted in response to the NOPR objecting to the retention of requirements for filing of paper copies, but as indicated in the adopted amendments to § 201.8, believes retention of these requirements is necessary at this time.

207.45 Investigation To Review Outstanding Determination

The NOPR proposed to amend paragraph (d) of § 207.45 by extending the deadline currently specified in the rule for instituting changed circumstance reviews from 30 days to 45 days, and extending the deadline from 120 days to 180 days for completing changed circumstance reviews. None of the comments addressed this specific proposal. Accordingly, we adopt the proposed amendment to the rule as drafted in the NOPR.

207.61(e) Responses to Notice of Institution

The Commission has amended the rule to require that nine copies of responses to the notice of institution be filed in five-year reviews. As explained above, this is one of several changes that will facilitate work by Commission staff while resulting in an overall reduction in the number of paper copies of certain submissions to the Commission. The Commission has considered comments submitted in response to the NOPR objecting to the retention of requirements for filing of paper copies, but as indicated in the adopted amendments to § 201.8, believes retention of these requirements is necessary at this time.

207.62(b)(2) Rulings on Adequacy and Nature of Commission Review

The Commission has amended the rule to require that nine copies of comments on adequacy be filed in five-year reviews. As explained above, this is one of several changes that will facilitate work by Commission staff while resulting in an overall reduction in the number of paper copies of certain submissions to the Commission. The Commission has considered comments submitted in response to the NOPR objecting to the retention of requirements for filing of paper copies, but as indicated in the adopted amendments to § 201.8, believes retention of these requirements is necessary at this time.

207.65 Prehearing Briefs

The Commission has amended the rule to require that nine copies of prehearing briefs be filed in five-year reviews. As explained above, this is one of several changes that will facilitate work by Commission staff while resulting in an overall reduction in the number of paper copies of certain submissions to the Commission. The Commission has considered comments submitted in response to the NOPR objecting to the retention of requirements for filing of paper copies, but as indicated in the adopted amendments to § 201.8, believes retention of these requirements is necessary at this time.

207.67(a) Posthearing Briefs and Statements

The Commission has amended the rule to require that nine copies of posthearing briefs and statements be filed in five-year reviews. As explained above, this is one of several changes that will facilitate work by Commission staff while resulting in an overall reduction in the number of paper copies of certain submissions to the Commission. The Commission has considered comments submitted in response to the NOPR objecting to the retention of requirements for filing of paper copies, but as indicated in the adopted amendments to § 201.8, believes retention of these requirements is necessary at this time.

207.68(b) Posthearing Briefs and Statements

The Commission has amended the rule to require that nine copies of final comments be filed in five-year reviews. As explained above, this is one of several changes that will facilitate work by Commission staff while resulting in an overall reduction in the number of paper copies of certain submissions to the Commission. The Commission has considered comments submitted in response to the NOPR objecting to the retention of requirements for filing of paper copies, but as indicated in the adopted amendments to § 201.8, believes retention of these requirements is necessary at this time.

List of Subjects in 19 CFR Parts 201 and 207

Administrative practice and procedure, Business and industry,

Customs duties and inspection, Imports, Investigations.

For the reasons stated in the preamble, 19 CFR parts 201 and 207 are amended as set forth below:

PART 201—RULES OF GENERAL APPLICATION

■ 1. The authority citation for part 201 continues to read as follows:

Authority: Sec. 335 of the Tariff Act of 1930 (19 U.S.C. 1335), and sec. 603 of the Trade Act of 1974 (19 U.S.C. 2482), unless otherwise noted.

Subpart B—Initiation and Conduct of Investigations

■ 2. Amend § 201.8 by revising paragraphs (d)(1) and (f) to read as follows:

§ 201.8 Filing of documents.

* * * * *

(d) *Filing.* (1) Except as provided in paragraphs (d)(2) through (6) and (f) of this section, all documents filed with the Commission shall be filed electronically. Completion of filing requires the submission of paper copies by 12 noon, Eastern time, on the next business day. A paper copy provided for in this section must be a true copy of the electronic version of the document, *i.e.,* a copy that is identical in all possible respects. All paper copies of electronic submissions exceeding fifty (50) pages in length must have a divider page and an identifying tab preceding each exhibit and/or attachment. The divider page and/or tab must be labeled with a letter or number that corresponds to a more fully descriptive index. All filings shall comply with the procedures set forth in the Commission's Electronic Document Information System Web site at *https://edis.usitc.gov.* Failure to comply with the requirements of this chapter and the Handbook on Filing Procedures that apply to the filing of a document may result in the rejection of the document as improperly filed.

* * * * *

(f) *Nonconfidential copies.* In the event that confidential treatment of a document is requested under § 201.6(b), a nonconfidential version of the document shall be filed, in which the confidential business information shall have been deleted and which shall have been conspicuously marked ''nonconfidential'' or ''public inspection.''' The nonconfidential version shall be filed electronically, and two (2) true paper copies shall be submitted on the same business day as this electronic filing, except as provided in § 206.8 or § 207.3 of this chapter. In the event that confidential treatment is not requested for a document under § 201.6(b), the document shall be conspicuously marked ''No confidential version filed,'' and the document shall be filed in accordance with paragraph (d) of this section. The name of the person signing the original shall be typewritten or otherwise reproduced on each copy.

* * * * *

PART 207—INVESTIGATIONS OF WHETHER INJURY TO DOMESTIC INDUSTRIES RESULTS FROM IMPORTS SOLD AT LESS THAN FAIR VALUE OR FROM SUBSIDIZED EXPORTS TO THE UNITED STATES

■ 3. The authority citation for part 207 continues to read as follows:

Authority: 19 U.S.C. 1336, 1671–1677n, 2482, 3513.

■ 4. Amend § 207.10 by revising paragraph (a) to read as follows:

§ 207.10 Filing of petition with the Commission.

(a) *Filing of the petition.* Any interested party who files a petition with the administering authority pursuant to section 702(b) or section 732(b) of the Act in a case in which a Commission determination under title VII of the Act is required, shall file copies of the petition and all exhibits, appendices, and attachments thereto, pursuant to section 201.8 of this chapter, with the Secretary on the same day the petition is filed with the administering authority. A paper original and eight (8) true paper copies of a petition shall be filed. One copy of all exhibits, appendices, and attachments to the petition shall be filed in electronic form on CD–ROM, DVD, or other portable electronic format approved by the Secretary. Petitioners also must file one unbound copy of the petition (the unbound copy of the petition may be stapled or held together by means of a clip). If the petition complies with the provisions of § 207.11, it shall be deemed to be properly filed on the date on which the requisite number of copies of the petition is received by the Secretary, provided that, if the petition is filed with the Secretary after 12:00 noon, eastern time, the petition shall be deemed filed on the next business day. Notwithstanding § 207.11 of this chapter, a petitioner need not file an entry of appearance in the investigation instituted upon the filing of its petition, which shall be deemed an entry of appearance.

* * * * *

■ 5. Amend § 207.11 by revising paragraphs (b)(2)(ii), (iii), and (v) to read as follows:

§ 207.11 Contents of Petition.

* * * * *

(b) * * *

(2) * * *

(ii) A listing of all U.S. producers of the proposed domestic like product(s), including a street address, phone number, and contact person(s) with email address(es) for each producer;

(iii) A listing of all U.S. importers of the subject merchandise, including street addresses, email addresses, and phone numbers for each importer.

* * * * *

(v) A listing of all sales or revenue lost by each petitioning firm by reason of the subject merchandise during the three years preceding filing of the petition. For each named purchaser, petitioners must provide the email address of the specific contact person, street address, city, state, and 5-digit zip code with respect to each lost sales or lost revenue allegation. Petitioners must certify that all lost sales or lost revenue allegations identified in the petition will also be submitted electronically in the manner specified in the Commission's Handbook on Filing Procedures.

* * * * *

■ 6. Revise § 207.15 to read as follows:

§ 207.15 Written briefs and conference.

Each party may submit to the Commission on or before a date specified in the notice of investigation issued pursuant to 207.12 a written brief containing information and arguments pertinent to the subject matter of the investigation. Briefs shall be signed, shall include a table of contents, and shall contain no more than fifty (50) double-spaced and single-sided pages of textual material, and shall be filed electronically, and nine (9) true paper copies shall be submitted on the same business day (on paper measuring 8.5 x 11 inches, double-spaced and single-sided). Any person not a party may submit a brief written statement of information pertinent to the investigation within the time specified and the same manner specified for the filing of briefs. In addition, the presiding official may permit persons to file within a specified time answers to questions or requests made by the Commission's staff. If he deems it appropriate, the Director shall hold a conference. The conference, if any, shall be held in accordance with the procedures in § 201.13 of this chapter, except that in connection with its presentation a party may provide

written witness testimony at the conference; if written testimony is provided, nine (9) true paper copies shall be submitted. The Director may request the appearance of witnesses, take testimony, and administer oaths.

■ 7. Amend § 207.20 by revising paragraph (b) to read as follows:

§ 207.20 Investigative activity following preliminary determination.

* * * * *

(b) The Director shall circulate draft questionnaires for the final phase of an investigation to parties to the investigation for comment. Any party desiring to comment on draft questionnaires shall submit such comments in writing to the Commission within a time specified by the Director. All requests for collecting new information shall be presented at this time. The Commission will disregard subsequent requests for collection of new information absent a showing that there is a compelling need for the information and that the information could not have been requested in the comments on the draft questionnaires.

■ 8. Revise § 207.23 to read as follows:

§ 207.23 Prehearing brief.

Each party who is an interested party shall submit to the Commission, no later than five (5) business days prior to the date of the hearing specified in the notice of scheduling, a prehearing brief. Prehearing briefs shall be signed and shall include a table of contents and shall be filed electronically, and nine (9) true paper copies shall be submitted on the same business day. The prehearing brief should present a party's case concisely and shall, to the extent possible, refer to the record and include information and arguments which the party believes relevant to the subject matter of the Commission's determination under section 705(b) or section 735(b) of the Act. Any person not an interested party may submit a brief written statement of information pertinent to the investigation within the time specified and the same manner specified for filing of prehearing briefs.

■ 9. Revise § 207.25 to read as follows:

§ 207.25 Posthearing briefs.

Any party may file a posthearing brief concerning the information adduced at or after the hearing with the Secretary within a time specified in the notice of scheduling or by the presiding official at the hearing. A posthearing brief shall be filed electronically, and nine (9) true paper copies shall be submitted on the same business day. No such posthearing brief shall exceed fifteen (15) pages of textual material, double-spaced and single-sided, when printed out on paper measuring 8.5 x 11 inches. In addition, the presiding official may permit persons to file answers to questions or requests made by the Commission at the hearing within a specified time. The Secretary shall not accept for filing posthearing briefs or answers which do not comply with this section.

■ 10. Revise § 207.28 to read as follows:

§ 207.28 Anticircumvention.

Prior to providing advice to the administering authority pursuant to section 781(e)(3) of the Act, the Commission shall publish in the **Federal Register** a notice that such advice is contemplated. Any person may file one written submission concerning the matter described in the notice no later than fourteen (14) days after publication of the notice. Such a statement shall be filed electronically, and nine (9) true paper copies shall be submitted on the same business day. The statement shall contain no more than fifty (50) double-spaced and single-sided pages of textual material, when printed out on paper measuring 8.5 x 11 inches. The Commission shall by notice provide for additional statements as it deems necessary.

■ 11. Amend § 207.30 by revising paragraph (b) to read as follows:

§ 207.30 Comment on information.

* * * * *

(b) The parties shall have an opportunity to file comments on any information disclosed to them after they have filed their posthearing brief pursuant to § 207.25. A comment shall be filed electronically, and nine (9) true paper copies shall be submitted on the same business day. Comments shall only concern such information, and shall not exceed 15 pages of textual material, double-spaced and single-sided, when printed out on paper measuring 8.5 x 11 inches. A comment may address the accuracy, reliability, or probative value of such information by reference to information elsewhere in the record, in which case the comment shall identify where in the record such information is found. Comments containing new factual information shall be disregarded. The date on which such comments must be filed will be specified by the Commission when it specifies the time that information will be disclosed pursuant to paragraph (a) of this section. The record shall close on the date such comments are due, except with respect to investigations subject to the provisions of section 771(7)(G)(iii) of the Act, and with respect to changes in bracketing of business proprietary information in the comments permitted by § 207.3(c).

■ 12. Amend § 207.45 by revising paragraph (c) to read as follows:

§ 207.45 Investigation to review outstanding determination.

* * * * *

(c) *Institution of an investigation.* Within forty-five (45) days after the close of the period for public comments following publication of the receipt of a request, the Commission shall determine whether the request shows changed circumstances sufficient to warrant a review and, if so, shall institute a review investigation. The Commission may also institute a review investigation on its own initiative. The review investigation shall be instituted by notice published in the **Federal Register** and shall be completed within one hundred eighty (180) days of the date of such publication. If the Commission determines that a request does not show changed circumstances sufficient to warrant a review, the request shall be dismissed and a notice of the dismissal published in the **Federal Register** stating the reasons therefor.

* * * * *

■ 13. Amend § 207.61 by revising paragraph (e) to read as follows:

§ 207.61 Responses to notice of institution.

* * * * *

(e) A document filed under this section shall be filed electronically, and nine (9) true paper copies shall be submitted on the same business day.

■ 14. Amend § 207.62 by revising paragraph (b)(2) to read as follows:

§ 207.62 Rulings on adequacy and nature of Commission review.

* * * * *

(b) * * *

(2) Comments shall be submitted within the time specified in the notice of institution. In a grouped review, only one set of comments shall be filed per party. Comments shall be filed electronically, and nine (9) true paper copies shall be submitted on the same business day. Comments shall not exceed fifteen (15) pages of textual material, double spaced and single sided, when printed out on paper measuring 8.5 x 11 inches. Comments containing new factual information shall be disregarded.

* * * * *

■ 15. Revise § 207.65 to read as follows:

§ 207.65 Prehearing briefs.

Each party to a five-year review may submit a prehearing brief to the

Commission on the date specified in the scheduling notice. A prehearing brief shall be signed and shall include a table of contents. A prehearing brief shall be filed electronically, and nine (9) true paper copies shall be submitted (on paper measuring 8.5 x 11 inches and single-sided) on the same business day. The prehearing brief should present a party's case concisely and shall, to the extent possible, refer to the record and include information and arguments which the party believes relevant to the subject matter of the Commission's determination.

■ 16. Amend § 207.67 by revising paragraph (a) to read as follows:

§ 207.67 Posthearing briefs and statements.

(a) *Briefs from parties.* Any party to a five-year review may file with the Secretary a posthearing brief concerning the information adduced at or after the hearing within a time specified in the scheduling notice or by the presiding official at the hearing. A posthearing brief shall be filed electronically, and nine (9) true paper copies shall be submitted on the same business day. No such posthearing brief shall exceed fifteen (15) pages of textual material, double spaced and single sided, when printed out on paper measuring 8.5 x 11 inches and single-sided. In addition, the presiding official may permit persons to file answers to questions or requests made by the Commission at the hearing within a specified time. The Secretary shall not accept for filing posthearing briefs or answers which do not comply with this section.

* * * * *

■ 17. Amend § 207.68 by revising paragraph (b) to read as follows:

§ 207.68 Final comments on information.

* * * * *

(b) The parties shall have an opportunity to file comments on any information disclosed to them after they have filed their posthearing brief pursuant to § 207.67. Comments shall be filed electronically, and nine (9) true paper copies shall be submitted on the same business day. Comments shall only concern such information, and shall not exceed 15 pages of textual material, double spaced and single-sided, when printed out on paper measuring 8.5 x 11 inches and single-sided. A comment may address the accuracy, reliability, or probative value of such information by reference to information elsewhere in the record, in which case the comment shall identify where in the record such information is found. Comments containing new factual information shall be disregarded. The date on which such comments must be filed will be specified by the Commission when it specifies the time that information will be disclosed pursuant to paragraph (a) of this section. The record shall close on the date such comments are due, except with respect to changes in bracketing of business proprietary information in the comments permitted by § 207.3(c).

By order of the Commission.

Issued: June 19, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–14675 Filed 6–24–14; 8:45 am]

BILLING CODE 7020–02–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404, 405, and 416

[Docket No. 2011–0056]

RIN 0960–AH37

Changes to Scheduling and Appearing at Hearings

AGENCY: Social Security Administration.

ACTION: Final rules.

SUMMARY: These final rules explain how a claimant may object to appearing at a hearing via video teleconferencing, or to the time and place of a hearing. These final rules adopt, with further clarification regarding our good cause exception, the notice of proposed rulemaking (NPRM) that we published in the **Federal Register** on June 27, 2013. We expect that these final rules will have a minimal impact on the public, help ensure the integrity of our programs, and allow us to administer our programs more efficiently.

DATES: These final rules are effective July 25, 2014.

FOR FURTHER INFORMATION CONTACT: Maren Weight, Social Security Administration, 5107 Leesburg Pike, Falls Church, VA 22041–3260, (703) 605–7100 for information about this notice. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Background

We are making final, with further clarification regarding our good cause exception, the proposed NPRM that we published in the **Federal Register** on June 27, 2013.[1] As we discussed in the preamble to the NPRM, our workloads at the administrative law judge (ALJ) hearing level continue to grow, and we are implementing final rules that will help us provide better service by allowing us to conduct hearings and issue decisions more expeditiously.

Objecting to Appearing by Video Teleconferencing

As we explained in the NPRM, we have conducted hearings by video teleconferencing since 2003. Over the last decade, we found that hearings held by video teleconferencing help reduce our average processing time, reduce travel expenses, and allow us to better serve the public. Therefore, we have continued to improve our video teleconferencing capabilities, added five National Hearing Centers that hold hearings exclusively by video teleconferencing, and increased the number of ALJs in traditional hearing offices who hold hearings by video teleconferencing.

However, we reiterate in these final rules that while we have taken significant strides in increasing our video teleconferencing capacity, we remain concerned that some individuals are manipulating our rules in order to obtain a hearing with an ALJ with a higher allowance rate. As we previously noted, this may be an unintended consequence of our commitment to transparency as we make more information, such as an ALJ's allowance rates, available to claimants and their representatives. Until the effective date of this final rule, these types of efforts to undermine the random assignment of ALJs have generally been successful. Our business process has been to reschedule a hearing if the claimant, or a representative on a claimant's behalf, objected to appearing by video teleconferencing at any time before or at the hearing, or to transfer a case if a claimant indicated he or she moved closer to another hearing office.

Our continued concerns about efforts to undermine our rules are not merely anecdotal. At the time of this final rule, we brought and pursued sanction actions against an appointed representative for misrepresenting facts in order to have cases transferred to a hearing office with a higher allowance rate. We have observed some individuals decline hearings by video teleconferencing after learning that the claimant is scheduled to appear before an ALJ with a lower allowance rate. We have observed other questionable conduct that, while not necessarily constituting misconduct often delays the processing of cases and prevents the use of video teleconferencing

[1] The NPRM is available at: *http://www.gpo.gov/fdsys/pkg/FR-2013-06-27/pdf/2013-14894.pdf.*

technology in certain offices. We continue to receive declinations less than 20 days [2] before the date the hearing, resulting in the loss of the hearing slot that we could have used to hold a hearing for another claimant. Finally, when we receive a declination for a hearing by video teleconferencing after the hearing has been scheduled; we must use additional administrative resources to reschedule a hearing at a time and place amenable to all hearing participants. For these types of reasons, a change to our current process was necessary.

In this final rule, before we assign an ALJ to the case or before we schedule a hearing, we will notify a claimant that he or she has the right to object to appearing at the hearing by video teleconferencing. If the claimant objects to appearing at the hearing by video teleconferencing, the claimant must tell us in writing within 30 days after the date he or she receives the notice, unless he or she shows good cause for missing the deadline. If we receive a timely objection, or we find there was good cause for missing the deadline, we will schedule the claimant for an in person hearing, with one limited exception. If a claimant moves to a different residence while his or her request for a hearing is pending, we will determine whether the claimant will appear in person or by video teleconferencing, even if the claimant previously objected to appearing by video teleconferencing. In addition, in order for us to consider a change in residence when scheduling a hearing, the claimant must submit evidence verifying a new residence. After we receive evidence regarding the claimant's new residence, we will decide how the claimant's appearance will be made. This limited exception to the rule allows us to protect the integrity of our programs while providing us with the flexibility to transfer cases when there is a legitimate change in residence and we can process the case more efficiently.

Time Period for Objecting to a Hearing

In these final rules, we also specified the time period for objecting to the time and place of a hearing. To ensure that we have adequate time to prepare for the hearing, we require that a claimant notify us of an objection in writing at the earliest possible opportunity, but not later than 5 days before the date set for the hearing or, if earlier, 30 days after receiving notice of the hearing. If the claimant objects to the time and place of the hearing outside of the specified time period and fails to attend the hearing, the ALJ will follow existing sub-regulatory authority to develop good cause for failure to appear. We also adopted other minor revisions in the final rules to clarify when we will reschedule a hearing for good cause. For instance, we removed the example that a claimant might offer living closer to another hearing site as a good cause reason to object to the time and place of the hearing.

Appearing at the Hearing by Telephone

To further reduce the need to reschedule hearings and to improve our efficiency, we provide that the ALJ may determine that extraordinary circumstances exist to schedule the claimant, or any other party to the hearing, to appear at the hearing by telephone. For example, an ALJ will direct a claimant or other party to the hearing to appear by telephone when the person's appearance in person is not possible, such as when the person is incarcerated, the correctional facility will not allow a hearing to be held at the facility, and video teleconferencing is not available. The flexibility in the final rule allows us to continue the practice of scheduling a hearing by telephone when the claimant specifically requests a hearing in this manner, and the ALJ determines that extraordinary circumstances prevent the claimant or other party who makes the request from appearing at the hearing in person or by video teleconferencing.

As we noted in the NPRM, we spend significant administrative resources arranging in person hearings with officials of correctional facilities. It also reduces our productivity when an ALJ travels to a confinement facility to hold one or two hearings rather than conducting a full hearing docket. These final rules will save administrative resources and allow us to provide more timely hearings to all claimants because the ALJ will be present in the hearing office to conduct a full hearing docket.

Part 405

In the final rule, we adopted several changes to Part 405 for consistency with the rules in Parts 404 and 416. We adopted changes relating to video teleconferencing and hearing appearances by telephone in extraordinary circumstances, as described above. For consistency with our pilot program [3] in all regions except Boston, we also adopted changes allowing the agency, rather than the ALJ, to set the time and place for hearing.

Public Comments on the NPRM

In the NPRM, we provided a 60-day comment period, which ended on August 26, 2013. We carefully considered the 13 public comments we received. Because some of the comments were lengthy, we summarize them below. We present the commenters' concerns and suggestions and respond to the significant issues relevant to this rulemaking. We do not respond to comments, or portions of comments, that are outside the scope of this rulemaking proceeding.

Comment: One commenter indicated that ALJs will not be able to adequately see and observe claimants if they were scheduled to appear via video teleconferencing. Another commenter argued that it is unfair if claimants have to wait longer for in-person hearings. Both commenters essentially argued that hearings held by video teleconferencing violate claimants' due process rights.

Response: We disagree with the concerns raised in these comments. First, it is important to reiterate that under these final rules claimants will generally continue to have the right to appear in person at a scheduled hearing if they timely object to appearing via video teleconferencing. Furthermore, our regulations have allowed claimants to appear via video teleconferencing at our hearings since 2003.[4] In our experience holding hearings by video teleconference, we have found that ALJs are able to observe a claimant adequately. As our resources permit, we continue to improve our video teleconferencing equipment for hearings, and we manage cases as effectively as possible to provide claimants hearings in the timeliest method available.

We also disagree with the commenters' concerns that a hearing held by video teleconferencing can adversely affect a claimant's right to due process. A number of Federal courts have held that hearings conducted via video teleconferencing adequately protect a claimant's due process rights.[5]

[2] Our regulations require that we provide notice of a hearing 20 days in advance. See 20 CFR 404.938 and 416.1438. Late declinations are even more problematic in the Boston Region where we are required to give notice 75 days in advance. See 20 CFR 405.316.

[3] See 20 CFR 404.936(a) and (h), and 416.1436(a) and (h).

[4] 68 FR 5210 and 68 FR 69003.

[5] *Lipp* v. *Astrue,* No. 2:09–cv–991, 2010 WL 4719454 at *11 (S.D. Ohio Oct. 5, 2010) (Magistrate Judge's Report and Recommendation), *adopted by district court,* 2010 WL 4718763 (S.D. Ohio November 15, 2010), *Evans* v. *Astrue,* No. 4:08–cv–66, 2010 WL 276119 (E.D. Tenn. Jan. 15, 2010)

Continued

Thus, claimants who appear at the hearing by video teleconferencing receive due process, regardless of the wait time for an in-person hearing or the use of video teleconferencing equipment.

Comment: Two commenters recommended that the first option should be to schedule in person hearings. If the claimant cannot attend the scheduled hearing, then the commenters suggested that, rather than opting out, the claimant should be able to request to appear via telephone or video teleconferencing. One commenter noted this was a concern for claimants who are homeless.

Response: As discussed above, under these final rules claimants will continue to have the right to appear in person at a scheduled hearing if they timely object to appearing via video teleconferencing, unless an exception exists. Since our agency began using the video teleconferencing process for hearings, claimants have been required to opt out of appearing at a hearing via video teleconferencing, and this process has operated efficiently for us over the last 10 years. Requiring claimants to opt into appearing at a hearing via video teleconferencing could potentially delay scheduled hearings, create additional staff work, and cost us valuable resources. This would likely result in diminished overall public service, especially to claimants who have critical cases, including homeless claimants. Furthermore, we anticipate holding a small number of hearings via telephone because our final rules provide that we will schedule a claimant to appear via telephone only when the claimant's appearance in person is not possible, or if the ALJ determines that extraordinary circumstances prevent the claimant or another party from appearing at the hearing in person or by video teleconferencing. Therefore, these final rules continue to give the claimant the option to appear in person, except in limited circumstances, while balancing our needs for administrative efficiency.

Comment: Several commenters raised a concern about the limited exception to the right to decline a hearing by video teleconferencing. Under the proposed rules, we retained the right to schedule claimants to appear at the hearing via video teleconferencing if they change residence while the case is pending, even if they have timely objected to appearing by video teleconferencing. The commenters noted that many claimants have legitimate reasons to move, often involving financial hardships, and the reason a claimant requests an in-person hearing does not change when they move.

Response: We agree that most claimants have legitimate reasons for changing residences; however, as noted in the preamble of the NPRM (78 FR at 38611), and reiterated in this final rule, we are concerned that some claimants or their appointed representatives may be misusing our procedures regarding a change in residence to undermine the random assignment of cases to our ALJs. We are aware of situations in which a representative instructed claimants to report a change of address, which was not a change of residence, so that cases would be reassigned to a different hearing office with higher allowance rates. As a result of such practices, we must have a means to ensure the integrity of our program.

We anticipate that we will apply this exception infrequently. For example, one of the commenters expressed concern that we should not apply the exception if a claimant moves within the same servicing area after an in-person hearing is scheduled. These final rules give us discretion to address this concern. Since the claimant would not be trying to gain an advantage by changing residence address, and the same hearing office would process the case, we would not expect the ALJ assigned to the case to apply the exception. In another example, if a claimant changes residences to a different servicing area, there is no additional delay to schedule the claimant to appear in person at the hearing, and we have no indication that the claimant is attempting to manipulate the assignment of the case to another ALJ, then we would use our discretion to schedule the hearing in person, in accordance with the claimant's initial objection. Therefore, we have not deleted the exception we proposed, as some of the commenters requested. Under these final rules, we continue to include a limited exception that would allow us to schedule claimants to appear at the hearing via video teleconferencing if they change residence while the case is pending, even if they have timely objected to appearing by video teleconferencing.

Comment: One commenter indicated that the proposed regulations allowing a claimant to opt out of a hearing held by video teleconferencing within 30 days of a notice, in most instances, should be more aggressive. The commenter suggested that claimants should not have the right to object to appearing at hearings via video teleconferencing.

Response: We disagree with this comment. As explained above, we have allowed claimants to request an in-person hearing since we began the video teleconferencing program in 2003. The commenter's suggestion to eliminate any possibility for opting out of appearing at a hearing via video teleconferencing would not be consistent with our prior practice or, even further, allow us to accommodate an in-person hearing when it would result in more timely and efficient case adjudication. Therefore, we have determined that we will continue to allow claimants to opt out of appearing at a hearing via video teleconferencing if they timely object to appearing by video teleconferencing. The change we are making in these rules allows us to balance claimants' needs for adequate time to make an informed decision about how to appear at hearing with our needs for program integrity and administrative efficiency.

Comment: Another commenter suggested that appointed representatives should be able to appear via telephone or video teleconferencing and in a different location than the claimants they represent. The commenter also indicated that representatives should be allowed to have video teleconferencing equipment in their offices.

Response: We do not need to revise these rules in response to the commenter's suggestion because we already have in place a mechanism similar to what the commenter requested. In 2008, we developed and began using an agency initiative, the Representative Video Project (RVP) that authorizes representatives to use their own video teleconferencing equipment for video hearings under certain circumstances. The RVP provides efficient and cost effective methods for conducting hearings. Under the RVP initiative, the claimant and his or her representative must both appear from the same representative-owned video teleconferencing site except in instances where the ALJ determines that it is in the best interest of the claimant to permit the claimant and his or her appointed representative to appear from separate locations.

Comment: One commenter recommended a handout guide of the agency's business process when claimants opt out of appearing at a hearing via video teleconferencing. A sample guide was included with the comment. The commenter agreed with the proposed regulations regarding the time period to object to a hearing by video teleconferencing and suggested business process revisions to implement the final rules.

(Order adopting and attaching Magistrate Judge's Report and Recommendation).

Response: We considered the comment and the work the commenter put into creating the guide. Once these final rules are published, we will update our sub-regulatory authority and business processes to be consistent with the rules, and we will consider whether any other resource for the public may be necessary.

Comment: One commenter questioned whether the specific hearing office would be listed on the notice sent to claimants indicating that they have 30 days to object to a hearing held via video teleconferencing. The commenter, who was a representative, indicated concern about practicing before unfamiliar hearing offices.

Response: We considered this concern, and we may or may not include specific hearing office addresses on notices to claimants about their right to request an in-person hearing within the required time period. Regardless of whether hearing office addresses are included, we operate a nationwide program at the hearing level, and all hearing offices follow the same regulations, policies, and procedures.[6] Therefore, representatives can effectively represent claimants at any hearing office. We note that ALJs have some limited variances in how they manage their cases, including requesting pre-hearing briefs. Under this process, we will continue to provide representatives with prior notice of the name of the ALJ assigned to a hearing and will continue to provide in advance any specific instructions from the ALJ that may affect how a representative prepares his or her case. We note that this same potential for minor variances among ALJs currently exists in individual hearing offices. Thus, the final rules do not significantly affect how a representative practices before us.

Comment: Multiple commenters raised the concern that there was no ''good cause'' exception for extending the 30-day time period to object to appearing at the hearing via video teleconferencing or to object to the time and place of the hearing.

Response: We agree with these commenters. There may be legitimate instances when a claimant may not be able to object to appearing at a hearing via video teleconferencing or to the time or place of hearing within the stated time period, including, but not limited to, serious illness or death in the family. Consistent with our other regulations that provide a good cause exception to filing deadlines, we revised the final rules to allow the ALJ to determine whether the claimant had good cause to file an objection outside the time period specified to object to appearing at a hearing via video teleconferencing or to the time and place of a hearing. The final rules state that ALJs will use the standard for good cause set forth in our current regulations at 20 CFR 404.911, 405.20, and 416.1411 to evaluate these late filings.

Comment: One commenter suggested that the proposed regulation allowing for a 5-day time period for objecting to the time and place of the hearing was too short. The commenter suggested the period should be longer.

Response: We considered this comment, but we disagree with it. The final rules provide that claimants must notify us in writing that they object to the time and place of the hearing at the earliest possible opportunity, but not later than 5 days before the date set for the hearing or 30 days after receiving notice of the hearing, whichever is earlier. In fiscal year 2012, we averaged scheduling hearings nationwide at least 60 days in advance. With this advance scheduling, most claimants will be required to object 30 days after receiving notice of the hearing, which allows us sufficient time to reschedule the hearing. In the limited circumstances where we schedule claimants' hearing between 20 to 35 days prior to the hearing, we need to allow claimants adequate time to consider whether they will object to the time and place of the hearing that may cause the hearing to be rescheduled at a later time. The final rules address both scenarios and give claimants adequate time to decide if they are going to object to the time and place of their hearing.

Comment: Several commenters recommended that we should retain living closer to another hearing site as a reason for to find good cause to change the time and place of a hearing. The commenters noted that it might be more difficult for a claimant to travel to another office that is further away from his or her residence.

Response: We disagree with the concerns raised in these comments. As noted previously, we are concerned that claimants or their appointed representatives may be misusing our procedures regarding a change in residence to undermine the random assignment of cases to our ALJs. We need to protect the integrity of our program and ensure that ALJs only reschedule a hearing for good cause. It may be appropriate, in some instances, for ALJs to determine that good cause exists to change the time and place of a hearing based on the claimant's residence. However, removing this reason makes the final rules more consistent and protects the integrity of our programs.

Comment: Multiple commenters noted that more limits were necessary on the use of telephone hearings. Specifically, commenters recommended that claimants should be able to object to appearing by telephone. They raised concerns about claimants or representatives who have hearing impairments and whether we will make reasonable accommodations in these situations.

Response: We considered these concerns. However, the final rules make clear that an ALJ will direct a claimant's appearance by telephone under two limited circumstances. First, an ALJ will direct a claimant to appear by telephone when the claimant's appearance in person is not possible, such as if the claimant is incarcerated, the facility will not allow a hearing to be held at the facility, and video teleconferencing is not available. Second, an ALJ will direct a claimant to appear by telephone if the ALJ determines, either on his or her own initiative, or at the request of the claimant or another party, that extraordinary circumstances prevent the claimant from appearing in person or by video teleconferencing.

Since an ALJ will direct a claimant's appearance by telephone only under certain limited circumstances, we do not believe it is necessary or appropriate to provide the claimant with an opportunity to object to the mode of this appearance. However, we will use this provision on a limited basis, and its goal is to promote efficiency of hearings. We believe the policy is consistent with our goal of making the hearing process more efficient for claimants because appearing by telephone will allow claimants to have their hearings before an ALJ in the shortest possible time period.

Claimants who are scheduled to appear by telephone will receive the same due process rights currently available to all claimants. This includes the right to object to the time or place of hearing under 20 CFR 404.936(d), 405.317, and 416.1436(d), which have been revised accordingly. Regardless of the mode of appearance, we will also continue to make reasonable accommodations for all claimants and representatives. Therefore, we will adequately protect a claimants' rights without placing additional limitations on our ability to schedule a claimant's appearance at a hearing by telephone.

[6] We note that regulations that apply only in the Boston Region allow for some variances in hearing office practices. 20 CFR 405.1 through 405.901.

Regulatory Procedures

Executive Order 12866 as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that these final rules meet the requirements for a significant regulatory action under Executive Order 12866 as supplemented by Executive Order 13563. Thus, OMB reviewed these final rules.

Regulatory Flexibility Act

We certify that these final rules will not have a significant economic impact on a substantial number of small entities because they only affect individuals. Accordingly, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

These final rules contain public reporting requirements in the regulation sections listed below. We are seeking approval for these regulation sections and for a new SSA form, which we will use to collect the information required by these sections. Below we provide burden estimates for the public reporting requirements.

Regulation section	Description of public reporting requirement	Number of respondents (annually)	Frequency of response	Average burden per response (minutes)	Estimated annual burden
404.936(c)(1); 405.317(a)(1); 416.1436(d)(1).	For us to consider your change in residence, you must submit evidence verifying your new residence.	45,000	1	5	3,750
404.963(c)(2); 405.317(a)(2); 416.1436(d)(2).	If you notify us more than 30 days after the date you receive our notice that you object to appearing by video teleconference, we will extend the time period if you show good cause for missing the deadline.	13,500	1	10	2,250
405.317(c)	If you believe the issues contained in the notice are incorrect, you should notify the ALJ no later than 5 days before the date of the hearing; you must state the reason(s) for objection.	45,000	1	5	3,750
404.936(d); 405.317(a); 416.1436(d).	If you object to video teleconferencing you must notify us in writing within 30 days after you receive the notice.	850,000	1	5	70,833
404.936(e); 405.317(b); 416.1436(e).	You must notify us if you wish to object to the time and place in writing no later than 5 days prior to hearing or 30 days after receiving notice of hearing; you must state the reason(s) for objection and state the time and place you want the hearing held.	900,000	1	30	450,000
404.936(e)(1); 405.317(b)(1); 416.1436(e)(1).	If you notify us less than 5 days prior to hearing, or more than 30 days after receiving notice of hearing, we will extend the time period if you show good cause for missing the deadline.	5,000	1	5	417
404.938(a); 405.316(a); 416.1438(a).	Indication in writing that respondent does not wish to receive notice of hearing.	4,000	1	2	133
Total		1,862,500			531,133

SSA submitted an Information Collection Request for clearance to OMB. We are soliciting comments on the burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize the burden on respondents, including the use of automated techniques or other forms of information technology. If you would like to submit comments, please send them to the following locations:

Office of Management and Budget, Attn: Desk Officer for SSA, Fax Number: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov.*

You can submit comments until July 25, 2014, which is 30 days after the publication of this rule. To receive a copy of the OMB clearance package, contact the SSA Reports Clearance Officer using any of the above contact methods. We prefer to receive comments by email or fax.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; and 96.006, Supplemental Security Income)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors, and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

20 CFR Part 405

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors, and Disability Insurance, Public assistance programs, Reporting and recordkeeping requirements, Social Security, Supplemental Security Income (SSI).

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Dated: April 10, 2014.

Carolyn W. Colvin,

Acting Commissioner of Social Security.

For the reasons set out in the preamble, we are amending 20 CFR

chapter III, parts 404, 405, and 416, as set forth below:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart J—Determinations, Administrative Review Process, and Reopening of Determinations and Decisions

■ 1. The authority citation for subpart J of part 404 continues to read as follows:

Authority: Secs. 201(j), 204(f), 205(a)–(b), (d)–(h), and (j), 221, 223(i), 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 401(j), 404(f), 405(a)–(b), (d)–(h), and (j), 421, 423(i), 425, and 902(a)(5)); sec. 5, Pub. L. 97–455, 96 Stat. 2500 (42 U.S.C. 405 note); secs. 5, 6(c)–(e), and 15, Pub. L. 98–460, 98 Stat. 1802 (42 U.S.C. 421 note); sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

■ 2. Revise § 404.929 to read as follows:

§ 404.929 Hearing before an administrative law judge-general.

If you are dissatisfied with one of the determinations or decisions listed in § 404.930, you may request a hearing. The Deputy Commissioner for Disability Adjudication and Review, or his or her delegate, will appoint an administrative law judge to conduct the hearing. If circumstances warrant, the Deputy Commissioner, or his or her delegate, may assign your case to another administrative law judge. At the hearing, you may appear in person, by video teleconferencing, or, under certain extraordinary circumstances, by telephone. You may submit new evidence, examine the evidence used in making the determination or decision under review, and present and question witnesses. The administrative law judge who conducts the hearing may ask you questions. He or she will issue a decision based on the preponderance of the evidence in the hearing record. If you waive your right to appear at the hearing, in person, by video teleconferencing, or by telephone, the administrative law judge will make a decision based on the preponderance of the evidence that is in the file and any new evidence that may have been submitted for consideration.

■ 3. In § 404.936, revise paragraphs (b) and (c)(1), redesignate paragraphs (d) through (h) as paragraphs (e) through (i), add a new paragraph (d), and revise redesignated paragraphs (e) and (f), to read as follows:

§ 404.936 Time and place for a hearing before an administrative law judge.

* * * * *

(b) *Where we hold hearings.* We hold hearings in the 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands. The ''place'' of the hearing is the hearing office or other site(s) at which you and any other parties to the hearing are located when you make your appearance(s) before the administrative law judge, whether in person, by video teleconferencing, or by telephone.

(c) * * *

(1) We will consult with the administrative law judge to determine the status of case preparation and to determine whether your appearance, or the appearance of any other party to the hearing, will be made in person, by video teleconferencing or, under extraordinary circumstances, by telephone. The administrative law judge will determine that your appearance, or the appearance of any other party to the hearing, be conducted by video teleconferencing if video teleconferencing equipment is available to conduct the appearance, use of video teleconferencing to conduct the appearance would be more efficient than conducting the appearance in person, and the administrative law judge determines that there is no circumstance in the particular case that prevents the use of video teleconferencing to conduct the appearance. The administrative law judge will direct you or another party to the hearing to appear by telephone when:

(i) An appearance in person is not possible, such as if you are incarcerated, the facility will not allow a hearing to be held at the facility, and video teleconferencing is not available; or

(ii) The administrative law judge determines, either on his or her own, or at your request or at the request of any other party to the hearing, that extraordinary circumstances prevent you or another party to the hearing from appearing at the hearing in person or by video teleconferencing.

* * * * *

(d) *Objecting to appearing by video teleconferencing.* Prior to scheduling your hearing, we will notify you that we may schedule you to appear by video teleconferencing. If you object to appearing by video teleconferencing, you must notify us in writing within 30 days after the date you receive the notice. If you notify us within that time period and your residence does not change while your request for hearing is pending, we will set your hearing for a time and place at which you may make your appearance before the administrative law judge in person.

(1) Notwithstanding any objections you may have to appearing by video teleconferencing, if you change your residence while your request for hearing is pending, we may determine how you will appear, including by video teleconferencing, as provided in paragraph (c)(1) of this section. For us to consider your change of residence when we schedule your hearing, you must submit evidence verifying your new residence.

(2) If you notify us that you object to appearing by video teleconferencing more than 30 days after the date you receive our notice, we will extend the time period if you show you had good cause for missing the deadline. To determine whether good cause exists for extending the deadline, we use the standards explained in § 404.911.

(e) *Objecting to the time or place of the hearing.* If you object to the time or place of the hearing, you must:

(1) Notify us in writing at the earliest possible opportunity, but not later than 5 days before the date set for the hearing or 30 days after receiving notice of the hearing, whichever is earlier (or within the extended time period if we extend the time as provided in paragraph (e)(3) of this section); and

(2) State the reason(s) for your objection and state the time and place you want the hearing to be held. We will change the time or place of the hearing if the administrative law judge finds you have good cause, as determined under paragraph (f) of this section. Section 404.938 provides procedures we will follow when you do not respond to a notice of hearing.

(3) If you notify us that you object to the time or place of hearing less than 5 days before the date set for the hearing or, if earlier, more than 30 days after receiving notice of the hearing, we will extend the time period if you show you had good cause for missing the deadline. To determine whether good cause exists for extending the deadline, we use the standards explained in § 404.911.

(f) *Good cause for changing the time or place.* The administrative law judge will determine whether good cause exists for changing the time or place of your scheduled hearing. However, a finding that good cause exists to reschedule the time or place of your hearing will not change the assignment of the administrative law judge for your case, unless we determine reassignment will promote more efficient administration of the hearing process.

(1) We will reschedule your hearing, if your reason is one of the following circumstances and is supported by the evidence:

(i) A serious physical or mental condition or incapacitating injury makes it impossible for you or your representative to travel to the hearing, or a death in the family occurs; or

(ii) Severe weather conditions make it impossible for you or your representative to travel to the hearing.

(2) In determining whether good cause exists in circumstances other than those set out in paragraph (f)(1) of this section, the administrative law judge will consider your reason(s) for requesting the change, the facts supporting it, and the impact of the proposed change on the efficient administration of the hearing process. Factors affecting the impact of the change include, but are not limited to, the effect on the processing of other scheduled hearings, delays that might occur in rescheduling your hearing, and whether we previously granted you any changes in the time or place of your hearing. Examples of such other circumstances that you might give for requesting a change in the time or place of the hearing include, but are not limited to, the following:

(i) You unsuccessfully attempted to obtain a representative and need additional time to secure representation;

(ii) Your representative was appointed within 30 days of the scheduled hearing and needs additional time to prepare for the hearing;

(iii) Your representative has a prior commitment to be in court or at another administrative hearing on the date scheduled for the hearing;

(iv) A witness who will testify to facts material to your case would be unavailable to attend the scheduled hearing and the evidence cannot be otherwise obtained;

(v) Transportation is not readily available for you to travel to the hearing; or

(vi) You are unrepresented, and you are unable to respond to the notice of hearing because of any physical, mental, educational, or linguistic limitations (including any lack of facility with the English language) which you may have.

* * * * *

■ 4. In § 404.938, revise paragraph (b) to read as follows:

§ 404.938 Notice of a hearing before an administrative law judge.

* * * * *

(b) *Notice information.* The notice of hearing will contain a statement of the specific issues to be decided and tell you that you may designate a person to represent you during the proceedings. The notice will also contain an explanation of the procedures for requesting a change in the time or place of your hearing, a reminder that if you fail to appear at your scheduled hearing without good cause the administrative law judge may dismiss your hearing request, and other information about the scheduling and conduct of your hearing. You will also be told if your appearance or that of any other party or witness is scheduled to be made in person, by video teleconferencing, or by telephone. If we have scheduled you to appear at the hearing by video teleconferencing, the notice of hearing will tell you that the scheduled place for the hearing is a video teleconferencing site and explain what it means to appear at your hearing by video teleconferencing.

* * * * *

PART 405—ADMINISTRATIVE REVIEW PROCESS FOR ADJUDICATING INITIAL DISABILITY CLAIMS

■ 5. The authority citation for part 405 continues to read as follows:

Authority: Secs. 201(j), 205(a)–(b), (d)–(h), and (s), 221, 223(a)–(b), 702(a)(5), 1601, 1602, 1631, and 1633 of the Social Security Act (42 U.S.C. 401(j), 405(a)–(b), (d)–(h), and (s), 421, 423(a)–(b), 902(a)(5), 1381, 1381a, 1383, and 1383(b).

■ 6. In § 405.315, revise paragraphs (a), (b), and (c)(1), and add new paragraphs (d) and (e), to read as follows:

§ 405.315 Time and place for a hearing before an administrative law judge.

(a) *General.* We may set the time and place for the hearing. We may change the time and place, if it is necessary. If we change the time and place of the hearing, we will send you reasonable notice of the change. We will notify you of the time and place of the hearing at least 75 days before the date of the hearing, unless you agree to a shorter notice period.

(b) *Where we hold hearings.* We hold hearings in the 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands. The ''place'' of the hearing is the hearing office or other site(s) at which you and any other parties to the hearing are located when you make your appearance(s) before the administrative law judge, whether in person, by video teleconferencing, or by telephone.

(c) * * *

(1) We will consult with the administrative law judge to determine the status of case preparation and to determine whether your appearance, or the appearance of any other party to the hearing, will be made in person or by video teleconferencing or, under extraordinary circumstances, by telephone. The administrative law judge will determine that your appearance, or the appearance of any other party to the hearing, be conducted by video teleconferencing if video teleconferencing equipment is available to conduct the appearance, use of video teleconferencing to conduct the appearance would be more efficient than conducting the appearance in person, and the administrative law judge determines that there is no circumstance in the particular case that prevents the use of video teleconferencing to conduct the appearance. The administrative law judge will direct you to appear by telephone when:

(i) An appearance in person is not possible, such as if you are incarcerated, the facility will not allow a hearing to be held at the facility, and video teleconferencing is not available; or

(ii) The administrative law judge determines, either on his or her own, or at your request or at the request of any other party to the hearing, that extraordinary circumstances prevent you or another party to the hearing from appearing at the hearing in person or by video teleconferencing.

* * * * *

(d) *Consultation procedures.* Before we exercise the authority to set the time and place for an administrative law judge's hearings, we will consult with the appropriate hearing office chief administrative law judge to determine if there are any reasons why we should not set the time and place of the administrative law judge's hearings. If the hearing office chief administrative law judge does not state a reason that we believe justifies the limited number of hearings scheduled by the administrative law judge, we will then consult with the administrative law judge before deciding whether to begin to exercise our authority to set the time and place for the administrative law judge's hearings. If the hearing office chief administrative law judge states a reason that we believe justifies the limited number of hearings scheduled by the administrative law judge, we will not exercise our authority to set the time and place for the administrative law judge's hearings. We will work with the hearing office chief administrative law judge to identify those circumstances where we can assist the administrative law judge and address any impediment that may affect the scheduling of hearings.

(e) *Pilot program.* The provisions in the first three sentences of paragraph (a), the first sentence of paragraph (c)(1), and paragraph (d) of this section are a

pilot program. These provisions will no longer be effective on August 9, 2014, unless we terminate them earlier or extend them beyond that date by notice of a final rule in the **Federal Register**.

■ 7. In § 405.316, revise paragraphs (a) and (b)(5), to read as follows:

§ 405.316 Notice of a hearing before an administrative law judge.

(a) *Issuing the notice.* After we set the time and place of the hearing, we will mail notice of the hearing to you at your last known address, or give the notice to you by personal service, unless you have indicated in writing that you do not wish to receive this notice. We will mail or serve the notice at least 75 days before the date of the hearing, unless you agree to a shorter notice period.

(b) * * *

(5) Whether your appearance or that of any witness is scheduled to be made in person, by video teleconferencing, or by telephone. If we have scheduled you to appear at the hearing by video teleconferencing, the notice of hearing will tell you that the scheduled place for the hearing is a video teleconferencing site and explain what it means to appear at your hearing by video teleconferencing.

* * * * *

■ 8. Revise § 405.317 to read as follows:

§ 405.317 Objections.

(a) *Objecting to appearing by video teleconferencing.* Prior to scheduling your hearing, we will notify you that we may schedule you to appear by video teleconferencing. If you object to appearing by video teleconferencing, you must notify us in writing within 30 days after the date you receive the notice. If you notify us within that time period and your residence does not change while your request for hearing is pending, we will set your hearing for a time and place at which you may make your appearance before the administrative law judge in person.

(1) Notwithstanding any objections you may have to appearing by video teleconferencing, if you change your residence while your request for hearing is pending, we may determine how you will appear, including by video teleconferencing, as provided in § 405.315(c). For us to consider your change of residence when we schedule your hearing, you must submit evidence verifying your new residence.

(2) If you notify us that you object to appearing by video teleconferencing more than 30 days after the date you receive our notice, we will extend the time period if you show you had good cause for missing the deadline. To determine whether good cause exists for extending the deadline, we use the standards explained in § 405.20.

(b) Objecting to the *time and place of the hearing.* If you object to the time or place of your hearing, you must:

(1) Notify us in writing at the earliest possible opportunity before the date set for the hearing, but not later than 30 days after receiving notice of the hearing. If you notify us that you object to the time or place of hearing more than 30 days after receiving notice of the hearing, we will extend the time period if you show you had good cause for missing the deadline. To determine whether good cause exists for extending the deadline, we use the standards explained in § 405.20; and

(2) State the reason(s) for your objection and state the time and place you want the hearing to be held. The administrative law judge will consider your reason(s) for requesting the change, the facts supporting it, and the impact of the proposed change on the efficient administration of the hearing process. Factors affecting the impact of the change include, but are not limited to, the effect on the processing of other scheduled hearings, delays that might occur in rescheduling your hearing, and whether we previously granted you any changes in the time or place of your hearing. However, an objection to the time or place of your hearing will not change the assignment of the administrative law judge for your case, unless we determine reassignment will promote more efficient administration of the hearing process.

(c) *Issues.* If you believe that the issues contained in the hearing notice are incorrect, you should notify the administrative law judge in writing at the earliest possible opportunity, but you must notify him or her no later than 5 business days before the date set for the hearing. You must state the reason(s) for your objection. The administrative law judge will make a decision on your objection either at the hearing or in writing before the hearing.

■ 9. In § 405.350, revise the first sentence of paragraph (a) to read as follows:

§ 405.350 Presenting evidence at a hearing before an administrative law judge.

(a) * * * You have a right to appear before the administrative law judge, either in person or, when the administrative law judge determines that the conditions in § 405.315(c) exist, by video teleconferencing or telephone, to present evidence and to state your position. * * *

* * * * *

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart N—Determinations, Administrative Review Process, and Reopening of Determinations and Decisions

■ 10. The authority citation for subpart N of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1383, and 1383b); sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

■ 11. Revise § 416.1429 to read as follows:

§ 416.1429 Hearing before an administrative law judge-general.

If you are dissatisfied with one of the determinations or decisions listed in § 416.1430, you may request a hearing. The Deputy Commissioner for Disability Adjudication and Review, or his or her delegate, will appoint an administrative law judge to conduct the hearing. If circumstances warrant, the Deputy Commissioner, or his or her delegate, may assign your case to another administrative law judge. At the hearing, you may appear in person, by video teleconferencing, or, under certain extraordinary circumstances, by telephone. You may submit new evidence, examine the evidence used in making the determination or decision under review, and present and question witnesses. The administrative law judge who conducts the hearing may ask you questions. He or she will issue a decision based on the preponderance of the evidence in the hearing record. If you waive your right to appear at the hearing, in person, by video teleconferencing, or by telephone, the administrative law judge will make a decision based on the preponderance of the evidence that is in the file and any new evidence that may have been submitted for consideration.

■ 12. In § 416.1436, revise paragraphs (b) and (c)(1), redesignate paragraphs (d) through (h) as paragraphs (e) through (i), add a new paragraph (d), and revise redesignated paragraphs (e) and (f), to read as follows:

§ 416.1436 Time and place for a hearing before an administrative law judge.

* * * * *

(b) *Where we hold hearings.* We hold hearings in the 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands. The ''place'' of the hearing is the hearing

office or other site(s) at which you and any other parties to the hearing are located when you make your appearance(s) before the administrative law judge, whether in person, by video teleconferencing, or by telephone.

(c) * * *

(1) We will consult with the administrative law judge to determine the status of case preparation and to determine whether your appearance, or the appearance of any other party to the hearing, will be made in person, by video teleconferencing or, under extraordinary circumstances, by telephone. The administrative law judge will determine that your appearance, or the appearance of any other party to the hearing, be conducted by video teleconferencing if video teleconferencing equipment is available to conduct the appearance, use of video teleconferencing to conduct the appearance would be more efficient than conducting the appearance in person, and the administrative law judge determines there is no circumstance in the particular case that prevents the use of video teleconferencing to conduct the appearance. The administrative law judge will direct you or another party to the hearing to appear by telephone when:

(i) An appearance in person is not possible, such as if you are incarcerated, the facility will not allow a hearing to be held at the facility, and video teleconferencing is not available; or

(ii) The administrative law judge determines, either on his or her own, or at your request or at the request of any other party to the hearing, that extraordinary circumstances prevent you or another party to the hearing from appearing at the hearing in person or by video teleconferencing.

* * * * *

(d) *Objecting to appearing by video teleconferencing.* Prior to scheduling your hearing, we will notify you that we may schedule you to appear by video teleconferencing. If you object to appearing by video teleconferencing, you must notify us in writing within 30 days after the date you receive the notice. If you notify us within that time period and your residence does not change while your request for hearing is pending, we will set your hearing for a time and place at which you may make your appearance before the administrative law judge in person.

(1) Notwithstanding any objections you may have to appearing by video teleconferencing, if you change your residence while your request for hearing is pending, we may determine how you will appear, including by video teleconferencing, as provided in paragraph (c)(1) of this section. For us to consider your change of residence when we schedule your hearing, you must submit evidence verifying your new residence.

(2) If you notify us that you object to appearing by video teleconferencing more than 30 days after the date you receive our notice, we will extend the time period if you show you had good cause for missing the deadline. To determine whether good cause exists for extending the deadline, we use the standards explained in § 416.1411.

(e) *Objecting to the time or place of the hearing.* If you object to the time or place of your hearing, you must:

(1) Notify us in writing at the earliest possible opportunity, but not later than 5 days before the date set for the hearing or 30 days after receiving notice of the hearing, whichever is earlier (or within the extended time period if we extend the time as provided in paragraph (e)(3) of this section); and

(2) State the reason(s) for your objection and state the time and place you want the hearing to be held. We will change the time or place of the hearing if the administrative law judge finds you have good cause, as determined under paragraph (f) of this section. Section 416.1438 provides procedures we will follow when you do not respond to a notice of hearing.

(3) If you notify us that you object to the time or place of hearing less than 5 days before the date set for the hearing or, if earlier, more than 30 days after receiving notice of the hearing, we will extend the time period if you show you had good cause for missing the deadline. To determine whether good cause exists for extending the deadline, we use the standards explained in § 416.1411.

(f) *Good cause for changing the time or place.* The administrative law judge will determine whether good cause exists for changing the time or place of your scheduled hearing. However, a finding that good cause exists to reschedule the time or place of your hearing will not change the assignment of the administrative law judge for your case, unless we determine reassignment will promote more efficient administration of the hearing process.

(1) We will reschedule your hearing, if your reason is one of the following circumstances and is supported by the evidence:

(i) A serious physical or mental condition or incapacitating injury makes it impossible for you or your representative to travel to the hearing, or a death in the family occurs; or

(ii) Severe weather conditions make it impossible for you or your representative to travel to the hearing.

(2) In determining whether good cause exists in circumstances other than those set out in paragraph (f)(1) of this section, the administrative law judge will consider your reason(s) for requesting the change, the facts supporting it, and the impact of the proposed change on the efficient administration of the hearing process. Factors affecting the impact of the change include, but are not limited to, the effect on the processing of other scheduled hearings, delays that might occur in rescheduling your hearing, and whether we previously granted you any changes in the time or place of your hearing. Examples of such other circumstances that you might give for requesting a change in the time or place of the hearing include, but are not limited to, the following:

(i) You unsuccessfully attempted to obtain a representative and need additional time to secure representation;

(ii) Your representative was appointed within 30 days of the scheduled hearing and needs additional time to prepare for the hearing;

(iii) Your representative has a prior commitment to be in court or at another administrative hearing on the date scheduled for the hearing;

(iv) A witness who will testify to facts material to your case would be unavailable to attend the scheduled hearing and the evidence cannot be otherwise obtained;

(v) Transportation is not readily available for you to travel to the hearing; or

(vi) You are unrepresented, and you are unable to respond to the notice of hearing because of any physical, mental, educational, or linguistic limitations (including any lack of facility with the English language) which you may have.

* * * * *

■ 13. In § 416.1438, revise paragraph (b) to read as follows:

§ 416.1438 Notice of a hearing before an administrative law judge.

* * * * *

(b) *Notice information.* The notice of hearing will contain a statement of the specific issues to be decided and tell you that you may designate a person to represent you during the proceedings. The notice will also contain an explanation of the procedures for requesting a change in the time or place of your hearing, a reminder that if you fail to appear at your scheduled hearing without good cause the administrative law judge may dismiss your hearing request, and other information about the

scheduling and conduct of your hearing. You will also be told if your appearance or that of any other party or witness is scheduled to be made in person, by video teleconferencing, or by telephone. If we have scheduled you to appear at the hearing by video teleconferencing, the notice of hearing will tell you that the scheduled place for the hearing is a video teleconferencing site and explain what it means to appear at your hearing by video teleconferencing.

* * * * *

[FR Doc. 2014–14793 Filed 6–24–14; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

22 CFR Part 9

[Public Notice 8776]

RIN 1400–AC75

National Security Information Regulations

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State revises its regulations governing the classification of national security information that is under the control of the Department in order to reflect the provisions of a new executive order on national security information, E.O. 13526 and its implementing directive in Information Security Oversight Office regulations. This revision also reflects consequent changes in the Department's procedures since the last revision of the Department's regulations on this subject in 2004. These changes include some changes in the classification categories, in the rules governing the sharing of other-agency classified information, and in granting access to classified information to certain former government personnel. This regulation does not apply to information classified as Restricted Data (RD) or Formerly Restricted Data (FRD). Requirements for classifying and declassifying RD and FRD can be found in Department of Energy regulations on Nuclear Classification and Declassification, or in a Department of State regulation or internal order implementing those regulations.

DATES: This final rule is effective on June 25, 2014.

FOR FURTHER INFORMATION CONTACT: Alice Kottmyer, Attorney-Adviser, Department of State (L/M), 2201 C Street NW., Washington, DC 20520, or at *kottmyeram@state.gov*.

SUPPLEMENTARY INFORMATION: The executive order governing classification of national security information, E.O. 12958, has been superseded by E.O. 13526, effective December 29, 2009. In Section 1.4, the new order makes some minor changes in classification categories, such as eliminating reference to transnational terrorism and adding a qualifier to the term ''weapons of mass destruction.'' That section also requires that the damage to national security be identifiable and describable. These changes are reflected in Section 9.4 of the rule.

While the basis for classification and the classification levels in E.O. 13526 are basically the same as those in predecessor orders, the new executive order contains several provisions not present in its immediate predecessors, such as the training of classifiers, particularly derivative classifiers (not covered in this rule); and, in Section 4.1(i)(1), the sharing with another agency, with certain U.S. entities, or with foreign governments of classified information that was originated by another agency after the effective date of the executive order (covered in Section 9.12 of the rule). Section 4.4 of the new executive order changes a limitation in E.O. 12958 on access to classified information by former government personnel but adds a limitation that the positions that they held be senior government positions. These changes are included in Section 9.13 of this rule. This section is among several from 22 CFR Part 171 pertaining to declassification that have been transferred to Part 9 and revised.

Regulatory Analysis

Administrative Procedure Act. The Department of State is publishing this rulemaking as a final rule. 5 U.S.C. 553(b)(B) provides that a ''general notice of proposed rulemaking'' need not be published in the **Federal Register** ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' The Department of State finds good cause to issue this rule without advance notice and public comment because it has determined such procedures are unnecessary. As we note above, this rulemaking incorporates into existing Department regulations the provisions of Executive Order 13526. The Executive Order is a directive that must be implemented throughout the executive branch without significant modification; otherwise, there could be significant confusion among the public, when different agencies adopt different classification standards. Because of this, the Department determined that soliciting public comment was unnecessary.

In addition, this rulemaking involves matters of internal Department management and organization; specifically, the internal procedures for the classification and handling of classified national security information; therefore, the Department has determined that this rulemaking is exempt from notice-and-comment requirements under 5 U.S.C. 553(a)(2). Finally, the Department has determined that this final rule should be effective immediately pursuant to 5 U.S.C. 553(d)(3). The Department finds ''good cause'' in the need to immediately align the Department's national security regulations with those of the White House and other agencies, thus eliminating the confusion that might be caused by conflicting regulations in such a sensitive area.

Regulatory Flexibility Act. Since the Department is not required to publish a general notice of proposed rulemaking for this rulemaking, a Regulatory Flexibility Analysis is not required.

Unfunded Mandates Act of 1995. This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Information Quality Act. The Department intends to disseminate information under this rulemaking in compliance with the Information Quality Act, Public Law 106–554, and the Department of State *Information Quality Guidelines,* dated October 1, 2002, located at *http://www.state.gov/misc/13864.htm*.

Congressional Review Act. This rule is not a major rule as defined by the Congressional Review Act, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and import markets. The rule is being submitted to both Houses of Congress and the Comptroller General. Since it is not a major rule, the proposed effective date is the date of publication.

Executive Orders 12866 and 13563. Executive Order 12866 directs agencies to assess the costs and benefits of available regulatory alternatives and, if

regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''significant regulatory action'' although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget. This rule imposes no additional costs on the public or on the Department of State, and provides the benefit of providing additional clarity for the public and Department personnel with respect to Executive Order 13526 and its effect on Department regulations, thus eliminating the confusion that might be caused by conflicting regulations in such a sensitive area.

Executive Order 12988—Civil Justice Reform. The Department has reviewed this regulation in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13563—Periodic Review of Existing Significant Regulations. The Department has considered this rule in light of Executive Order 13563, dated January 18, 2011, and affirms that this regulation is consistent with the guidance therein.

Executive Orders 12372 and 13132—Federalism. This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this regulation.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments. The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

National Environmental Policy Act. The Department has analyzed this regulation for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and has determined that it will not have any effect on the quality of the environment.

Paperwork Reduction Act. This rule does not impose or revise any reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 9

Administrative practice and procedure, Classified information.

■ For the reasons set forth in the preamble, the Department of State revises 22 CFR part 9 to read as follows:

PART 9—SECURITY INFORMATION REGULATIONS

Sec.
9.1 Basis.
9.2 Objective.
9.3 Senior agency official.
9.4 Original classification.
9.5 Original classification authority.
9.6 Derivative classification.
9.7 Identification and marking.
9.8 Classification challenges.
9.9 Declassification and downgrading.
9.10 Mandatory declassification review.
9.11 Systematic declassification review.
9.12 Sharing other-agency classified information.
9.13 Access to classified information by historical researchers and certain former government personnel.
9.14 Pre-publication review of writings by former Department personnel.
9.15 Assistance to the Historian's Office.
9.16 Safeguarding.

Authority: E.O. 13526 (75 FR 707, January 5, 2010); Information Security Oversight Office Directive 32 CFR Part 2001 (75 FR 37254, June 28, 2010).

§ 9.1 Basis.

The regulations in this part, taken together with 32 CFR part 2001 and Volume 5 of the Department's Foreign Affairs Manual, provide the basis for the security classification program of the U.S. Department of State (''the Department'') implementing Executive Order 13526 on Classified National Security Information (''the Executive Order'' or ''the Order'').

§ 9.2 Objective.

The objective of the Department's classification program is to ensure that national security information is protected from unauthorized disclosure, but that it remains classified only to the extent and for such a period as is necessary.

§ 9.3 Senior agency official.

The Executive Order requires that each agency that originates or handles classified information designate a Senior Agency Official to direct and administer its information security program. The Department's senior agency official is the Under Secretary of State for Management. The Senior Agency Official is assisted in carrying out the provisions of the Executive Order and the Department's information security program by the Assistant Secretary for Diplomatic Security, the Assistant Secretary for Administration, and the Deputy Assistant Secretary for Global Information Services.

§ 9.4 Original classification.

(a) *Definition.* Original classification is the initial determination that certain information requires protection against unauthorized disclosure in the interest of national security (i.e., national defense or foreign relations of the United States), together with a designation of the level of classification.

(b) *Classification levels.* (1) Top Secret shall be applied to information the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security that the original classification authority is able to identify or describe.

(2) Secret shall be applied to information the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security that the original classification authority is able to identify or describe.

(3) Confidential shall be applied to information the unauthorized disclosure of which reasonably could be expected to cause damage to the national security that the original classification authority is able to identify or describe.

(c) *Classification requirements and considerations.* (1) Information may not be considered for classification unless its unauthorized disclosure could reasonably be expected to cause identifiable or describable damage to the national security in accordance with section 1.2 of the Executive Order, and it pertains to one or more of the following:

(i) Military plans, weapons systems, or operations;

(ii) Foreign government information;

(iii) Intelligence activities (including covert action), intelligence sources or methods, or cryptology;

(iv) Foreign relations or foreign activities of the United States, including confidential sources;

(v) Scientific, technological, or economic matters relating to the national security;

(vi) United States Government programs for safeguarding nuclear materials or facilities;

(vii) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to the national security; or

(viii) The development, production, or use of weapons of mass destruction.

(2) In classifying information, the public's interest in access to government information must be balanced against the need to protect national security information.

(3) The unauthorized disclosure of foreign government information is presumed to cause damage to national security.

(d) *Classification limitations and prohibitions.* (1) In no case shall information be classified in order to conceal violations of law, inefficiency, or administrative error, or to prevent embarrassment to a person, organization, or agency, to restrain competition, or to prevent or delay the release of information that does not require protection in the interest of the national security.

(2) A reference to classified documents that does not directly or indirectly disclose classified information may not be classified or used as a basis for classification.

(3) Only information owned by, produced by or for, or under the control of the U.S. Government may be originally classified.

(e) *Duration of classification.* (1) Information shall be classified for as long as is required by national security considerations, subject to the limitations set forth in section 1.5 of the Executive Order. When it can be determined, a specific date or event for declassification in less than 10 years shall be set by the original classification authority at the time the information is originally classified. If a specific date or event for declassification cannot be determined, information shall be marked for declassification 10 years from the date of the original decision, unless the original classification authority determines that the sensitivity of the information requires that it be marked for declassification for up to 25 years from the date of the original decision except for:

(i) Information that would reveal the identity of a confidential human source or a human intelligence source, or key design concepts of weapons of mass destruction, in which case the duration of classification shall be up to 75 years and shall be designated with the markings ''50X1–HUM'' and ''50X2–WMD,'' respectively; and

(ii) Specific information incorporated into the classification guide under section 2.2(e) of the Executive Order relating to exemptions from automatic declassification.

(2) An original classification authority may extend the duration of classification up to 25 years from the date of origin of the document, change the level of classification, or reclassify specific information only when the standards and procedures for classifying information under the Executive Order are met.

(3) No information may remain classified indefinitely. Information marked for an indefinite duration of classification under predecessor orders, such as ''Originating Agency's Determination Required'' (OADR) or classified information that contains incomplete declassification instructions or lacks declassification instructions, shall be declassified in accordance with Part 3 of the Order.

§ 9.5 Original classification authority.

(a) Authority for original classification of information as Top Secret may be exercised by the Secretary and those officials delegated this authority in writing by the Secretary. Such authority has been delegated to the Deputy Secretaries, the Under Secretaries, the Counselor, Assistant Secretaries and equivalents; Chiefs of Mission and U.S. representatives to international organizations; and certain other officers within the Department and at posts abroad.

(b) Authority for original classification of information as Secret or Confidential may be exercised only by the Secretary, the Senior Agency Official, and those officials delegated this authority in writing by the Secretary or the Senior Agency Official. Such authority has been delegated to Deputy Assistant Secretaries, Principal Officers at consulates general and consulates abroad, and certain other officers within the Department and at posts abroad. In the absence of the Secret or Confidential classification authority, the person designated to act for that official may exercise that authority.

§ 9.6 Derivative classification.

(a) *Definition.* Derivative classification is: the incorporating, paraphrasing, restating, or generating in new form information that is already classified and the marking of the new material consistent with the classification of the source material, or the marking of the information in accordance with an authorized classification guide. Duplication or reproduction of existing classified information is not derivative classification. Persons who apply classification markings derived from source material or as directed by a classification guide need not possess original classification authority.

(b) *Responsibility.* Information classified derivatively from other classified information shall be classified and marked in accordance with instructions from an authorized classifier or in accordance with an authorized classification guide and shall comply with the standards set forth in sections 2.1–2.2 of the Executive Order and 32 CFR 2001.22. The duration of classification of a document classified by a derivative classifier using a classification guide shall not exceed 25 years except for:

(1) Information that would reveal the identity of a confidential human source or a human intelligence source (50X1–HUM) or key design concepts of weapons of mass destruction (50X2–WMD), and

(2) Specific information incorporated into the classification guide under section 2.2(e) of the Executive Order relating to exemptions from automatic declassification.

(c) *Department of State Classification Guide.* The Department of State Classification Guide (DSCG) is the primary authority for the classification of information in documents created by Department of State personnel. The Guide is classified ''Confidential'' and is found on the Department of State's classified Web site.

§ 9.7 Identification and marking.

(a) Classified information shall be marked pursuant to the standards set forth in section 1.6 of the Executive Order, 32 CFR part 2001, subpart C, and internal Department guidance in 5 Foreign Affairs Manual.

(b) Foreign government information shall retain its original classification markings or be marked and classified at a U.S. classification level that provides a degree of protection at least equivalent to that required by the entity that furnished the information. Foreign government information retaining its original classification markings need not be assigned a U.S. classification marking provided the responsible agency determines that the foreign government markings are adequate to meet the purposes served by U.S. classification markings.

(c) Information assigned a level of classification under predecessor executive orders shall be considered as classified at that level of classification despite the omission of other required markings.

(d) Prior to public release, all declassified records shall be appropriately marked to reflect their declassification.

§ 9.8 Classification challenges.

(a) *Challenges.* Authorized holders of information pertaining to the Department of State who believe that its classification status is improper are expected and encouraged to challenge the classification status of the information. Such persons making challenges to the classification status of information shall not be subject to retribution for such action. Informal, usually oral, challenges are encouraged. Formal challenges to classification actions shall be in writing to an original classification authority (OCA) with jurisdiction over the information and a copy of the challenge shall be sent to the Office of Information Programs and Services (IPS) of the Department of State, SA–2, 515 22nd St. NW., Washington, DC 20522–8100. The Department (either the OCA or IPS) shall provide an initial response in writing within 60 calendar days.

(b) *Appeal procedures and time limits.* A negative response may be appealed to the Department's Appeals Review Panel (ARP) and should be sent to: Chairman, Appeals Review Panel, c/o Director, Office of Information Programs and Services/Appeals Officer, at the IPS address given above. The appeal shall include a copy of the original challenge, the response, and any additional information the appellant believes would assist the ARP in reaching its decision. The ARP shall respond within 90 calendar days of receipt of the appeal. A negative decision by the ARP may be appealed to the Interagency Security Classification Appeals Panel (ISCAP) referenced in section 5.3 of Executive Order 13526. If the Department fails to respond to a formal challenge within 120 calendar days or if the ARP fails to respond to an appeal within 90 calendar days, the challenge may be sent directly to the ISCAP.

(c) *Pre-publication review materials.* The provisions for classification challenges do not apply to material required to be submitted for pre-publication review, or other administrative action, pursuant to a non-disclosure agreement.

§ 9.9 Declassification and downgrading.

(a) *Declassification processes.* Declassification of classified information may occur:

(1) After review of material in response to a Freedom of Information Act (FOIA) request, mandatory declassification review request, discovery request, subpoena, classification challenge, or other information access or declassification request;

(2) After review as part of the Department's systematic declassification review program;

(3) As a result of the elapse of the time or the occurrence of the event specified at the time of classification;

(4) By operation of the automatic declassification provisions of section 3.3 of the Executive Order with respect to material more than 25 years old.

(b) *Downgrading.* When material classified at the Top Secret level is reviewed for declassification and it is determined that classification continues to be warranted, a determination shall be made whether downgrading to a lower level of classification is appropriate. If downgrading is determined to be warranted, the classification level of the material shall be changed to the appropriate lower level.

(c) *Authority to downgrade and declassify.* (1) Classified information may be downgraded or declassified by:

(i) The official who originally classified the information if that official is still serving in the same position and has original classification authority;

(ii) A successor in that capacity if that individual has original classification authority;

(iii) A supervisory official of either if the supervisory official has original classification authority;

(iv) Other Department officials specifically delegated declassification authority in writing by the Secretary or the Senior Agency Official; or

(v) The Director of the Information Security Oversight Office pursuant to Sec. 3.1(a) of E.O. 13526.

(2) The Department shall maintain a record of Department officials specifically designated as declassification and downgrading authorities.

(d) *Declassification in the public interest.* Although information that continues to meet the classification criteria of the Executive Order or a predecessor order normally requires continued protection, in some exceptional cases the need to protect information may be outweighed by the public interest in disclosure of the information. When such a question arises, it shall be referred to the Secretary or the Senior Agency Official for decision on whether, as an exercise of discretion, the information should be declassified and disclosed. This provision does not amplify or modify the substantive criteria or procedures for classification or create any substantive or procedural right subject to judicial review.

(e) *Public disclosure of declassified information.* Declassification of information is not, by itself, authorization for its public disclosure. Previously classified information that is declassified may be exempt from public disclosure under the FOIA, the Privacy Act, or various statutory confidentiality provisions. There also may be treaties or other international agreements that would preclude public disclosure of declassified information.

§ 9.10 Mandatory declassification review

(a) *Scope.* All information classified under E.O. 13526 or predecessor orders shall be subject to mandatory declassification review upon request by a member of the public or a U.S. government employee or agency with the following exceptions:

(1) Information originated by the incumbent President or the incumbent Vice President; the incumbent President's White House staff or the incumbent Vice President's staff; committees, commissions, or boards appointed by the incumbent President; other entities within the Executive Office of the President that solely advise and assist the incumbent President;

(2) Information that is the subject of pending litigation; and

(3) Information that has been reviewed for declassification within the past two years which need not be reviewed again, but the requester shall be given appeal rights.

(b) *Requests.* Requests for mandatory declassification review should be addressed to the Office of Information Programs and Services, U.S. Department of State, SA–2, 515 22nd St. NW., Washington, DC 20522–8100.

(c) *Description of information.* In order to be processed, a request for mandatory declassification review must describe the document or the material containing the information sought with sufficient specificity to enable the Department to locate the document or material with a reasonable amount of effort. Whenever a request does not sufficiently describe the material, the Department shall notify the requester that no further action will be taken unless additional description of the information sought is provided.

(d) *Refusal to confirm or deny existence of information.* The Department may refuse to confirm or deny the existence or nonexistence of requested information whenever the fact of existence or nonexistence is itself classified.

(e) *Processing.* In responding to mandatory declassification review requests, the Department shall make a review determination as promptly as possible, but in no case more than one year from the date of receipt of the request, and notify the requester accordingly. When the requested information cannot be declassified in its entirety, the Department shall release all meaningful portions that can be declassified and that are not exempt from disclosure on other grounds.

(f) *Other agency information.* When the Department receives a request for information in its possession that was originally classified by another agency, it shall refer the request and the pertinent information to the other agency unless that agency has agreed that the Department may review such information for declassification on behalf of that agency. In any case, the Department is responsible for responding to the requester with regard to any responsive information, including other-agency information, unless a prior arrangement has been made with the originating agency.

(g) *Foreign government information.* In the case of a request for material containing foreign government information, the Department shall determine whether the information may be declassified and may, if appropriate, consult with the relevant foreign government on that issue. If the Department is not the agency that initially received the foreign government information, it may consult with the original receiving agency.

(h) *Documents or material containing RD or Transclassified Foreign Nuclear Information (TFNI).* Documents or material containing RD or TFNI will be submitted to DOE for review. Documents containing FRD will be submitted to DOE or DoD for review.

(i) *Appeals.* Any denial of a mandatory declassification review request may be appealed to the ARP. A denial by the ARP of a mandatory declassification review appeal may be further appealed to the ISCAP. A failure of the Department to make a determination on a mandatory declassification review request within one year from the date of its receipt or to respond to an appeal of a denial by the ARP within 180 calendar days of its receipt may be appealed directly to the ISCAP.

§ 9.11 Systematic declassification review.

The Director of the Office of Information Programs and Services shall be responsible for conducting a program for systematic declassification review of historically valuable records that: were exempted from the automatic declassification provisions of section 3.3 of the Executive Order; or will soon become subject to the automatic declassification provisions of section 3.3 of the Order. The Director shall prioritize such review in accordance with priorities established by the National Declassification Center.

§ 9.12 Sharing other-agency classified information.

The long-standing third-agency rule has required prior originating agency approval before a receiving agency could further disseminate classified information. Under the Executive Order, unless the originating agency indicates on the material that prior approval is required and provided that the criteria for access under section 4.1(a) of the Order are met, a receiving agency may further disseminate classified information in documents created subsequent to the effective date of the Order to another agency or U.S. entity without consultation with the originating agency. ''U.S. entity'' includes cleared state, local, tribal, and private sector entities. Similarly, under certain circumstances, receiving agencies may pass such classified information to foreign governments.

§ 9.13 Access to classified information by historical researchers and certain former government personnel.

(a) The restriction in E.O. 13526 and predecessor orders on limiting access to classified information to individuals who have a need-to-know the information may be waived, under the conditions set forth below, for persons who: are engaged in historical research projects; have served as President or Vice President; have occupied senior policy-making positions in the Department of State or other U.S. government agencies to which they were appointed or designated by the President or the Vice President. It does not include former Foreign Service Officers as a class or persons who merely received assignment commissions as Foreign Service Officers, Foreign Service Reserve Officers, Foreign Service Staff Officers, and employees.

(b) Requests by such persons must be submitted in writing to the Office of Information Programs and Services at the address set forth above and must include a general description of the records sought, the time period covered by the records that are the subject of the request, and an explanation why access is sought. Requests for access by such requesters may be granted if:

(1) The Secretary or the Senior Agency Official determines in writing that access is consistent with the interests of national security;

(2) The requester agrees in writing to safeguard the information from unauthorized disclosure or compromise;

(3) The requester submits a statement in writing authorizing the Department to review any notes and manuscripts created as a result of access;

(4) The requester submits a statement in writing that any information obtained from review of the records will not be disseminated without the express written permission of the Department;

(c) If a requester uses a research assistant, the requester and the research assistant must both submit a statement in writing acknowledging that the same access conditions set forth in paragraphs (b)(2) through (b)(4) of this section apply to the research assistant. Such a research assistant must be working for the applicant and not gathering information for publication on his or her own behalf.

(d) Access granted under this section shall be limited to items the official originated, reviewed, signed, or received while serving as a Presidential or Vice Presidential appointee or designee or as President or Vice President.

(e) Such requesters may seek declassification and release of material to which they have been granted access under this section through either the FOIA or the mandatory declassification review provisions of E.O. 13526. Such requests shall be processed in the order received, along with other FOIA and mandatory declassification review requests, and shall be subject to the fees applicable to FOIA requests.

§ 9.14 Pre-publication review of writings by former Department personnel.

The Department provides pre-publication review of writings on foreign relations topics by former Department personnel, including contractors and detailees, who had security clearances to try to ensure that former personnel do not violate their agreements on non-disclosure of classified national security information in such writings. Manuscripts (including articles, speeches, books, etc.) should be sent to the Director, Office of Information Programs and Services, 515 22nd St. NW., Washington, DC 20522–8100. Questions about pre-publication clearance may be sent to *Classification@state.gov.*

§ 9.15 Assistance to the Historian's Office.

All elements of the Department shall assist the Historian's Office in its preparation of the Foreign Relations of

the United States (FRUS) series such as by providing prompt access to and, when possible, declassification of information deemed appropriate for inclusion in the FRUS.

§ 9.16 Safeguarding.

Specific controls on the use, processing, storage, reproduction, and transmittal of classified information within the Department to provide protection for such information and to prevent access by unauthorized persons are contained in Volume 12 of the Department's Foreign Affairs Manual.

Dated: May 29, 2014.

Margaret P. Grafeld,

Deputy Assistant Secretary, Department of State.

[FR Doc. 2014–14879 Filed 6–24–14; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 5, 943, and 982

[Docket No. FR–5778–N–01]

HUD Implementation of Fiscal Year 2014 Appropriations Provisions on Public Housing Agency Consortia, Biennial Inspections, Extremely Low-Income Definition, and Utility Allowances

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner and Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of statutory changes.

SUMMARY: Section 243 of the Department of Housing and Urban Development Appropriations Act, 2014 (2014 Appropriations Act) authorizes HUD to implement certain statutory changes to the United States Housing Act of 1937 made by the 2014 Appropriations Act through notice followed by notice and comment rulemaking. This notice establishes the terms and conditions by which HUD will implement changes to the statutory definition of a ''public housing agency'' (PHA), the frequency of housing inspections, the statutory definition of ''extremely low-income,'' and utility allowances for tenant-paid utilities.

DATES: *Effective Date:* July 1, 2014.

FOR FURTHER INFORMATION CONTACT: For Public Housing and Voucher program questions, contact Michael Dennis, Director of the Office of Housing Voucher Programs, Department of Housing and Urban Development, 451 7th Street SW., Room 4228, Washington, DC 20410; telephone number 202–402–4059 (this is not a toll-free number). For questions regarding the multifamily programs, contact Claire Brolin, 451 7th Street SW., Suite 6138, Washington, DC 20410 at 202–402–6634 (this is not a toll-free number). Persons with hearing or speech impairments may access either of these numbers through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

The general provisions of the 2014 Appropriations Act [1] include five statutory changes to the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*) (1937 Act) that are designed to reduce administrative burdens on PHAs, enable PHAs to better target assistance to families in need of such assistance, and reduce Federal costs.[2] Expediting the implementation of these provisions through notice will help PHAs to benefit from the changes in the law sooner than if implementation was accomplished solely through public rulemaking. The only statutory change that is applicable to multifamily project-based section 8 programs is the added definition of ''extremely low-income'' in section 238. For all other statutory changes, the changes provided in this notice apply only to the public housing and section 8 voucher programs.

Section 212 of the 2014 Appropriations Act amends the definition of a PHA to include a consortium of such entities.

Section 220 allows PHAs to comply with the requirement to inspect assisted dwelling units during the term of a housing assistance payment (HAP) contract by conducting biennial housing quality inspections instead of annual inspections. PHAs are also able to utilize alternative inspection methods to demonstrate that housing meets the housing quality requirements under the voucher program.

Section 238 creates a statutory definition of ''extremely low-income families,'' which is defined as very low-income families whose incomes do not exceed the higher of the Federal poverty level or 30 percent of Area Median Income.

Section 242 establishes a cap on the utility allowance for families leasing oversized units. The cap is set at an amount based on family size rather than the size of the unit leased, with the ability to set a higher amount to provide a reasonable accommodation to the family of a person with disabilities, harmonizing the utility allowance standard with the payment standard requirement.

In order to allow PHAs to receive, as quickly as possible, the benefit of the reduced burden that these provisions are designed to achieve, the 2014 Appropriations Act authorizes HUD to implement the changes through notice, provided that HUD follows with notice and comment rulemaking within six months of the issuance of the notice.

II. Implementation Requirements

A. PHA Consortia

Section 212 of the 2014 Appropriations Act amends the definition of ''public housing agency'' at subparagraph (A) of section 3(b)(6) of the 1937 Act (42 U.S.C. 1437a(b)(6)(A)) to include in its general definition ''a consortium of such entities or bodies as approved by the Secretary.'' PHAs may follow 24 CFR part 943 to form, participate in, and utilize consortia. PHAs may request a waiver of any current provision related to consortium organization, elements of the agreement, the relationship between HUD and the consortium, and the responsibilities of the consortium.

The Secretary will not approve any consortium of PHAs for administration of multifamily project-based section 8 program contracts.

B. Biennial Inspections

Section 220 of the 2014 Appropriations Act allows PHAs to comply with the requirement to inspect assisted dwelling units during the term of a HAP contract by inspecting such units not less than biennially instead of annually and to rely upon alternative inspection methods to meet this requirement. However, a PHA may not use the alternative inspection method in lieu of the initial unit or any interim inspection. PHAs are still required to conduct an initial inspection, prior to entering into a HAP contract, and interim inspections, if a family or government official notifies the PHA of a unit's failure to comply with housing quality standards, in accordance with the housing quality standards (HQS) of the HCV program.

1. In General

In order to bring relief to PHAs and owners as expeditiously as possible, HUD is implementing certain elements

[1] HUD's 2014 Appropriations Act is Title II of Division L of Public Law 113–76, 128 Stat. 5, approved January 17, 2014. See Public Law 113–76 at 128 Stat. 604.

[2] The five general provisions are sections 210, 212, 220, 238, and 242. This notice addresses sections 212, 220, 238, and 242. Section 210, which pertains to flat rents is addressed separately PIH Notice 2014–12, available at *http://portal.hud.gov/hudportal/documents/huddoc?id=14-12pihn.pdf.*

of section 220 through this notice in a somewhat limited fashion. HUD recognizes that fuller implementation of these elements (e.g., the use of alternative inspection methodologies and the treatment of mixed-finance properties) may necessitate additional complexity and certain trade-offs, and that HUD will greatly benefit from stakeholder input on how best to effectuate these statutory changes through the rulemaking process.

Section 220 will be immediately effective for any unit under HAP contract where the PHA has conducted an HQS inspection within the 12 months preceding the effective date of this notice. If a PHA has conducted an HQS inspection in that time period, the PHA will not be required to re-inspect until the lapse of 24 months following their last inspection. If the most recent inspection occurred prior to the 12 months preceding the effective date of this notice, then the PHA is required to conduct an annual HQS inspection for that unit and is afforded no relief from that annual inspection responsibility as a result of the change in the law. However, once that unit has been inspected, the PHA will then have the option to wait up until two years before the next inspection is required.

This notice does not require a PHA to wait two years from the last inspection before conducting an inspection. If a PHA desires to make inspections on a more frequent basis, it may do so.

Currently, HUD's Section 8 Management Assessment Program (SEMAP) evaluates PHAs on the frequency with which they conduct inspections. HUD will score PHAs based on their compliance with the statutory requirement that they conduct inspections at least biennially.

2. Alternative Inspections

A PHA may comply with the biennial inspection requirement through reliance upon an inspection conducted for another housing assistance program. If a PHA relies on an alternative inspection to fulfill the biennial inspection requirement for a particular unit, then the PHA must identify the alternative standard in its administrative plan. Such a change may be a significant amendment to the plan, in which case the PHA must follow its PHA plan amendment and public notice requirements before utilizing the alternative inspection method.

Compliance with the biennial inspection requirement may be met by reliance upon an inspection of housing assisted under the HOME Investment Partnerships (HOME) program (under Title II of the Cranston-Gonzalez National Affordable Housing Act, 42 U.S.C. 12701 note) or housing financed via the Treasury Department's Low-Income Housing Tax Credit program (LIHTC), taking into account the standards employed by those programs. A PHA may also comply with the biennial inspection requirement by relying upon an inspection performed by HUD, for example an inspection performed by HUD's Real Estate Assessment Center. A PHA is permitted to rely upon inspections conducted for the HOME or LIHTC program or performed by HUD with no action other than amending its administrative plan.

If a PHA wishes to rely upon an inspection conducted to a standard other than a standard listed above, then it must first submit to its local HUD Field Office a certification affirming, under penalty of perjury, that the standard ''provides the same or greater protection to occupants of dwelling units meeting such standard or requirement'' as would HQS. Once this certification has been submitted, the PHA must amend its administrative plan to formalize its adoption of the standard. A PHA that has chosen to rely upon an alternative inspection method must monitor any changes to the standards and requirements applicable to such method so that the PHA is made aware of any weakening of the method that would cause it to no longer meet or exceed HQS, in which case the PHA may not rely upon such method to comply with the biennial inspection requirement.

The statute makes clear that, in order for an inspection to qualify as an ''alternative inspection method,'' a property inspected pursuant to such method must ''meet the standards or requirements regarding housing quality or safety'' applicable to properties assisted under the program that employs the alternative inspection method (e.g., HOME, LIHTC). For purposes of this notice, HUD is implementing this statutory element as follows:

- If a property is inspected under an alternative inspection method, and the property receives a ''pass'' score, then the PHA may rely on that inspection to demonstrate compliance with the biennial inspection requirement.
- If a property is inspected under an alternative inspection method, and the property receives a ''fail'' score, then the PHA may not rely on that inspection to demonstrate compliance with the biennial inspection requirement.
- If a property is inspected under an alternative inspection method that does not employ a pass/fail determination—for example, in the case of the LIHTC program, where deficiencies are simply noted—then the PHA must review the list of deficiencies to determine whether any cited deficiency would have resulted in a ''fail'' score under HQS. If no such deficiency exists, then the PHA may rely on the inspection to demonstrate compliance with the biennial inspection requirements; if such a deficiency does exist, then the PHA may not rely on the inspection to demonstrate such compliance.

Under any circumstance described above in which a PHA is prohibited from relying on an alternative inspection methodology, the PHA must conduct an HQS inspection of any units in the property occupied by voucher program participants and follow HQS procedures to remedy any noted deficiencies. The HQS inspection must take place within a reasonable period of time. HUD will solicit input through rulemaking on circumstances under which a PHA could rely upon corrective actions taken under an alternative inspection method to assure that the property is brought into compliance with the standards or requirements regarding housing quality or safety applicable to the alternative inspection method.

As with all other inspection reports, and as required by 24 CFR 982.158(f)(4), reports for inspections conducted pursuant to an alternative inspection method must be retained for at least three years.

3. Interim Inspections

If a family or government official reports a condition that is life-threatening (i.e., the PHA would require the owner to make the repair within no more than 24 hours in accordance with 24 CFR 982.404(a)(3)), then the PHA must inspect the housing unit within 24 hours of when the PHA received the notification. If the reported condition is not life-threatening (i.e., the PHA would require the owner to make the repair within no more than 30 calendar days), then the PHA must inspect the unit within 15 days of when the PHA received the notification. In the event of extraordinary circumstances, such as if a unit is within a Presidentially declared disaster area, HUD may waive the 24-hour or the 15-day inspection requirement until such time as an inspection is feasible.

4. Mixed-Finance Properties

Section 220 gives HUD the authority to alter the frequency of inspections for mixed-finance properties assisted with project-based vouchers to facilitate the use of an alternative inspection method. HUD intends to exercise this authority through the rulemaking process as

opposed to this implementation notice. In the interim, a unit under HAP contract must be re-inspected at least biennially, through either the regular inspection process or the alternative inspection method.

C. Extremely Low-Income

Section 238 of the 2014 Appropriations Act amends section 3 of the 1937 Act (42 U.S.C. 1437a) to add a definition of extremely low-income (ELI) families. ELI families are defined as very low–income families whose incomes do not exceed the higher of the Federal poverty level or 30 percent of Area Median Income. This provision affects the ELI targeting requirements in section 16 of the 1937 Act (42 U.S.C. 1437n) for the public housing, housing choice voucher (HCV), project-based voucher (PBV), and multifamily project-based section 8 programs. As of the effective date of this notice, compliance with the targeting requirements under each of these programs must take into account the new definition of ELI.

Beginning with the effective date of this notice, a PHA or HUD, if HUD is the contract administrator, shall meet its targeting requirements through a combination of ELI admissions prior to the effective date (using the old definition) and ELI admissions after the effective date (using the new statutory definition). Neither a PHA nor HUD may skip over a family on the waiting list if that family meets the new definition of ELI as enacted by this section.

For the public housing program, not less than 40 percent of the units that become available per PHA fiscal year must be made available for occupancy by ELI families.

For the HCV and PBV programs, compliance with targeting requirements is determined for each of the PHA's fiscal years based on new admissions to both programs (i.e., a single, combined total). Not less than 75 percent of such admissions shall be ELI families.

For the multifamily project-based section 8 programs, the contract administrator (i.e., HUD or a PHA under an Annual Contributions Contract with HUD) must make available for occupancy by ELI families not less than 40 percent of the section 8-assisted dwelling units that become available for occupancy in any fiscal year.

The following example clarifies how a PHA administering the HCV and PBV programs would comply with this provision: A PHA with a fiscal year end of December 31 shall consider admissions to the HCV and PBV programs from January 1 up until the effective date of this notice using the old definition; from the effective date of this notice through December 31, it shall consider admissions using the new definition. To further illustrate, assume the PHA admitted 50 families into their HCV program between January 1 and the effective date of this notice. Forty families were ELI (under the old definition), 6 families did not meet the old definition of ELI but would have met the new definition of ELI had it been implemented at the time of their admission, and 4 did not meet either definition of ELI. In terms of calculating the ELI targeting requirement for the period of the PHA fiscal year prior to implementation of the change in the ELI definition, only 40 families met the ELI definition with regard to the targeting requirement (not 46). Assume the PHA admitted another 50 families before the end of the PHA fiscal year and 45 of those families met the new definition of ELI. The total number of families that met the ELI requirement for the PHA fiscal year would be 85 (40 plus 45), or 85 percent.

In some communities, the extremely low-income and very low-income levels will be identical for some or all household sizes, in which case PHAs meet their ELI targeting requirements by serving VLI households, since those families meet the new definition of ELI. To reduce the work a PHA or contract administrator must do to determine which standard it should be using, HUD's Office of Policy Development and Research has calculated the new income limits for extremely low-income families, taking the previous sentence into account, and has made the new area income limits available online at *http://www.huduser.org/portal/datasets/il/il14/index.html*.

D. Utility Allowances

Section 242 of the 2014 Appropriations Act limits the utility allowance payment for tenant-based vouchers to the family unit size for which the voucher is issued, irrespective of the size of the unit rented by the family, with an exemption for families with a person with disabilities.

Under section 242, the utility allowance for a family shall be the lower of: (1) The utility allowance amount for the family unit size; or (2) the utility allowance amount for the unit size of the unit rented by the family. However, upon the request of a family that includes a person with disabilities, the PHA must approve a utility allowance higher than the applicable amount if such a higher utility allowance is needed as a reasonable accommodation in accordance with HUD's regulations in 24 CFR part 8 to make the program accessible to and usable by the family member with a disability. This provision applies only to vouchers issued after the effective date of this notice and to current program participants. For current program participants, a PHA must implement the new allowance at the family's next annual reexamination, provided that the PHA is able to provide a family with at least 60 days' notice prior to the reexamination.

Dated: June 12, 2014.

Carol J. Galante,

Assistant Secretary for Housing—Federal Housing Commissioner.

Milan Ozdinec,

Deputy Assistant Secretary for the Office of Public Housing and Voucher Program.

[FR Doc. 2014–14915 Filed 6–24–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 54

[TD 9671]

RIN 1545–BL97

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2590

RIN 1210–AB61

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 147

[CMS–9952–F2]

RIN 0938–AR77

Ninety-Day Waiting Period Limitation

AGENCY: Internal Revenue Service, Department of the Treasury; Employee Benefits Security Administration, Department of Labor; Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Final rules.

SUMMARY: These final regulations clarify the maximum allowed length of any reasonable and bona fide employment-based orientation period, consistent with the 90-day waiting period limitation set forth in section 2708 of the Public Health Service Act, as added by the Patient Protection and Affordable Care Act (Affordable Care Act), as

amended, and incorporated into the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code.

DATES: *Effective date.* These final regulations are effective on August 25, 2014.

Applicability date. These final regulations apply to group health plans and group health insurance issuers for plan years beginning on or after January 1, 2015.

FOR FURTHER INFORMATION CONTACT: Amy Turner or Elizabeth Schumacher, Employee Benefits Security Administration, Department of Labor, at (202) 693–8335; Karen Levin, Internal Revenue Service, Department of the Treasury, at (202) 317–6846; or Cam Moultrie Clemmons, Centers for Medicare & Medicaid Services, Department of Health and Human Services, at (410) 786–1565.

Customer service information: Individuals interested in obtaining information from the Department of Labor concerning employment-based health coverage laws may call the EBSA Toll-Free Hotline at 1–866–444–EBSA (3272) or visit the Department of Labor's Web site (*www.dol.gov/ebsa*). In addition, information from HHS on private health insurance for consumers can be found on the Centers for Medicare & Medicaid Services (CMS) Web site (*www.cciio.cms.gov/*) and information on health reform can be found at *www.HealthCare.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Patient Protection and Affordable Care Act, Public Law 111–148, was enacted on March 23, 2010, and the Health Care and Education Reconciliation Act, Public Law 111–152, was enacted on March 30, 2010. (They are collectively known as the ''Affordable Care Act''.) The Affordable Care Act reorganizes, amends, and adds to the provisions of part A of title XXVII of the Public Health Service Act (PHS Act) relating to group health plans and health insurance issuers in the group and individual markets. The term ''group health plan'' includes both insured and self-insured group health plans.[1] The Affordable Care Act adds section 715(a)(1) to the Employee Retirement Income Security Act (ERISA) and section 9815(a)(1) to the Internal Revenue Code (the Code) to incorporate the provisions of part A of title XXVII of the PHS Act into ERISA and the Code, and to make them applicable to group health plans and health insurance issuers providing health insurance coverage in connection with group health plans. The PHS Act sections incorporated by these references are sections 2701 through 2728.

PHS Act section 2708, as added by the Affordable Care Act and incorporated into ERISA and the Code, provides that a group health plan or health insurance issuer offering group health insurance coverage shall not apply any waiting period (as defined in PHS Act section 2704(b)(4)) that exceeds 90 days. PHS Act section 2704(b)(4), ERISA section 701(b)(4), and Code section 9801(b)(4) define a waiting period to be the period that must pass with respect to an individual before the individual is eligible to be covered for benefits under the terms of the plan. In 2004 regulations implementing the Health Insurance Portability and Accountability Act of 1996 (HIPAA) portability provisions (2004 HIPAA regulations), the Departments of Labor, Health and Human Services (HHS), and the Treasury (the Departments[2]) defined a waiting period to mean the period that must pass before coverage for an employee or dependent who is otherwise eligible to enroll under the terms of a group health plan can become effective.[3] PHS Act section 2708 does not require an employer to offer coverage to any particular individual or class of individuals, including part-time employees. PHS Act section 2708 prevents an otherwise eligible individual from being required to wait more than 90 days before coverage becomes effective. PHS Act section 2708 applies to both grandfathered and non-grandfathered group health plans and group health insurance coverage for plan years beginning on or after January 1, 2014.

On February 9, 2012, the Departments issued guidance[4] outlining various approaches under consideration with respect to both the 90-day waiting period limitation and the employer shared responsibility provisions under Code section 4980H (February 2012 guidance) and requested public comment. On August 31, 2012, following their review of the comments on the February 2012 guidance, the Departments provided temporary guidance,[5] to remain in effect at least through the end of 2014, regarding the 90-day waiting period limitation, and described the approach they intended to propose in future rulemaking (August 2012 guidance). After consideration of all of the comments received in response to the February 2012 guidance and August 2012 guidance, the Departments issued proposed regulations on March 21, 2013 (78 FR 17313). After consideration of comments on the proposed regulations, the Departments published final regulations on February 24, 2014 (79 FR 10295).

Under the final regulations, a group health plan and a health insurance issuer offering group health insurance coverage may not apply any waiting period that exceeds 90 days. The regulations define ''waiting period'' as the period that must pass before coverage for an employee or dependent who is otherwise eligible to enroll under the terms of a group health plan can become effective. Being otherwise eligible to enroll in a plan means having met the plan's substantive eligibility conditions (such as, for example, being in an eligible job classification, achieving job-related licensure requirements specified in the plan's terms, or satisfying a reasonable and bona fide employment-based orientation period).

Contemporaneous with the publication of the final regulations, the Departments published proposed regulations (79 FR 10319) to address orientation periods under the 90-day waiting period limitation of PHS Act section 2708 and solicit comment before promulgation of final regulations on this specific issue. The proposed regulations provided that one month would be the maximum allowed length of any reasonable and bona fide employment-based orientation period. The Departments stated that, during an orientation period, they envisioned that an employer and employee could evaluate whether the employment situation was satisfactory for each party, and standard orientation and training processes would begin. Under the proposed regulations, if a group health plan conditions eligibility on an employee's having completed a reasonable and bona fide employment-based orientation period, the eligibility condition would not be considered to be

[1] The term ''group health plan'' is used in title XXVII of the PHS Act, part 7 of ERISA, and chapter 100 of the Code, and is distinct from the term ''health plan,'' as used in other provisions of title I of the Affordable Care Act. The term ''health plan'' does not include self-insured group health plans.

[2] Note, however, that in the Economic Analysis and Paperwork Burden section of this preamble, in sections under headings listing only two of the three Departments, the term ''Departments'' generally refers only to the two Departments listed in the heading.

[3] 26 CFR 54.9801–3(a)(3)(iii), 29 CFR 2590.701–3(a)(3)(iii), and 45 CFR 146.111(a)(3)(iii).

[4] Department of Labor Technical Release 2012–01, IRS Notice 2012–17, and HHS FAQs issued February 9, 2012.

[5] Department of Labor Technical Release 2012–02, IRS Notice 2012–59, and HHS FAQs issued August 31, 2012.

designed to avoid compliance with the 90-day waiting period limitation if the orientation period did not exceed one month and the maximum 90-day waiting period would begin on the first day after the orientation period.

Many commenters were generally supportive of the proposed rule. Commenters agreed that a limitation on the length of an orientation period of one month was appropriate and also agreed with the proposal that determining whether an orientation period is ''reasonable'' and ''bona fide'' should be a facts and circumstances analysis. Some commenters urged the Departments to clarify the interplay between the 90-day waiting period provision and the employer shared responsibility provisions.

After consideration of the comments and feedback received from stakeholders, the Departments are publishing these final regulations that incorporate the proposed regulations without any substantive changes.

II. Overview of the Final Regulations

The final regulations implementing PHS Act section 2708 set forth rules governing the relationship between a plan's eligibility criteria and the 90-day waiting period limitation. Specifically, the final regulations provide that being otherwise eligible to enroll in a plan means having met the plan's substantive eligibility conditions (for example, being in an eligible job classification, achieving job-related licensure requirements specified in the plan's terms, or satisfying a reasonable and bona fide employment-based orientation period). Under the final regulations, after an individual is determined to be otherwise eligible for coverage under the terms of the plan, any waiting period may not extend beyond 90 days, and all calendar days are counted beginning on the enrollment date, including weekends and holidays.[6]

Orientation periods are commonplace and the Departments do not intend to call into question the reasonableness of short, bona fide orientation periods. The danger of abuse increases, however, as the length of the period expands. Accordingly, the final regulations provide that one month is the maximum allowed length of an employment-based orientation period. The creation of a clear maximum prevents abuse and facilitates compliance.

During an orientation period, the Departments envision that an employer and employee will evaluate whether the employment situation is satisfactory for each party, and standard orientation and training processes will begin. For any period longer than one month that precedes a waiting period, the Departments refer back to the general rule, which provides that the 90-day period begins after an individual is otherwise eligible to enroll under the terms of a group health plan. While a plan may impose substantive eligibility criteria, such as requiring the worker to fit within an eligible job classification or to achieve job-related licensure requirements, it may not impose conditions that are mere subterfuges for the passage of time.

Under these final regulations, one month would be determined by adding one calendar month and subtracting one calendar day, measured from an employee's start date in a position that is otherwise eligible for coverage. For example, if an employee's start date in an otherwise eligible position is May 3, the last permitted day of the orientation period is June 2. Similarly, if an employee's start date in an otherwise eligible position is October 1, the last permitted day of the orientation period is October 31. If there is not a corresponding date in the next calendar month upon adding a calendar month, the last permitted day of the orientation period is the last day of the next calendar month. For example, if the employee's start date is January 30, the last permitted day of the orientation period is February 28 (or February 29 in a leap year). Similarly, if the employee's start date is August 31, the last permitted day of the orientation period is September 30. If a group health plan conditions eligibility on an employee's having completed a reasonable and bona fide employment-based orientation period, the eligibility condition is not considered to be designed to avoid compliance with the 90-day waiting period limitation if the orientation period does not exceed one month and the maximum 90-day waiting period begins on the first day after the orientation period.

Compliance with these final regulations is not determinative of compliance with section 4980H of the Code, under which an applicable large employer may be subject to an assessable payment if it fails to offer affordable minimum value coverage to certain newly-hired full-time employees by the first day of the fourth full calendar month of employment. For example, an applicable large employer that has a one-month orientation period may comply with both PHS Act section 2708 and Code section 4980H by offering coverage no later than the first day of the fourth full calendar month of employment. However, an applicable large employer plan may not be able to impose the full one-month orientation period and the full 90-day waiting period without potentially becoming subject to an assessable payment under Code section 4980H. For example, if an employee is hired as a full-time employee on January 6, a plan may offer coverage May 1 and comply with both provisions. However, if the employer is an applicable large employer and starts coverage May 6, which is one month plus 90 days after date of hire, the employer may be subject to an assessable payment under Code section 4980H.

These final regulations apply to group health plans and health insurance issuers for plan years beginning on or after January 1, 2015. Until these final rules are applicable, as stated in the preamble to the proposed rules, the Departments will consider compliance with the proposed regulations to constitute compliance with PHS Act section 2708. *See* 79 FR 10320, 10321 (February 24, 2014).

III. Economic Impact and Paperwork Burden

A. Executive Order 12866 and 13563—Department of Labor and Department of Health and Human Services

Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing and streamlining rules, and of promoting flexibility. It also requires Federal agencies to develop a plan under which the agencies will periodically review their existing significant regulations to make the agencies' regulatory programs more effective or less burdensome in achieving their regulatory objectives.

Under Executive Order 12866, a regulatory action deemed ''significant'' is subject to the requirements of the Executive Order and review by the Office of Management and Budget (OMB). Section 3(f) of the Executive Order defines a ''significant regulatory action'' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3)

[6] The final regulations also note that a plan or issuer that imposes a 90-day waiting period may, for administrative convenience, choose to permit coverage to become effective earlier than the 91st day if the 91st day is a weekend or holiday.

materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

These final regulations are not economically significant within the meaning of section 3(f)(1) of the Executive Order. However, OMB has determined that the actions are significant within the meaning of section 3(f)(4) of the Executive Order. Therefore, OMB has reviewed these final regulations, and the Departments [7] have provided the following assessment of their impact.

1. Summary

As stated earlier in this preamble, these final regulations provide that one month is the maximum allowed length of any reasonable and bona fide employment-based orientation period. The final regulations generally apply to group health plans and group health insurance issuers for plan years beginning on or after January 1, 2015.

The Departments have crafted these final regulations to secure the protections intended by Congress in an economically efficient manner. The Departments lack sufficient data to quantify the regulations' economic cost or benefits. The preamble to the proposed rules implementing PHS Act section 2708, published [8] in the **Federal Register** on February 24, 2014 provided a qualitative discussion of economic impacts of clarifying the maximum allowed length of any reasonable and bona fide orientation period and requested detailed comment and data that would allow for quantification of the costs, benefits, and transfers associated with the term. The Departments received no comments providing additional data that would help it estimate the economic impacts of the final regulations.

2. Estimated Number of Affected Entities

The Departments estimate that 4.1 million new employees receive group health insurance coverage through private sector employers and 1.0 million new employees receive group health insurance coverage through public sector employers annually.[9] The 2013 Kaiser Family Foundation and Health Research and Education Trust Employer Health Benefits Annual Survey (the ''2013 Kaiser Survey'') finds that 30 percent of covered workers were subject to waiting periods of three months or more.[10] If 30 percent of new employees receiving health care coverage from their employers are subject to a waiting period of three months or more, then 1.5 million new employees (5.1 million × 0.30) would potentially be affected by these regulations.[11] However, it is unlikely that the survey defines the term ''waiting period'' in the same manner as the final regulations. For example, the term ''waiting period'' may have been defined by reference to an employee's start date, not matching the definition in the final regulations.

3. Benefits

The final regulations implementing PHS Act section 2708 [12] set forth rules governing the relationship between a plan's eligibility criteria and the 90-day waiting period limitation. Specifically, the final regulations provide that being otherwise eligible to enroll in a plan means having met the plan's substantive eligibility conditions (such as, for example, being in an eligible job classification, achieving job-related licensure requirements specified in the plan's terms, or satisfying a reasonable and bona fide employment-based orientation period). These final regulations provide that one month is the maximum allowed length of any reasonable and bona fide employment-based orientation period. This period of no longer than one month is intended to provide plan sponsors with flexibility to continue the common practice of utilizing a probationary or trial period to determine whether a new employee will be able to handle the duties and challenges of the job, while providing protections against excessive waiting periods for such employees. Under these final regulations, the plan's waiting period must begin once the new employee satisfies the maximum one month orientation period requirement and the waiting period may not exceed 90 days.

4. Costs

These final regulations extend the maximum amount of time between an employee beginning work and obtaining health care coverage relative to the time before the issuance of the final regulations implementing PHS Act section 2708 and these final regulations. If employees delay health care treatment until the expiration of the orientation period and waiting period, detrimental health effects could result, especially for low-wage employees and their dependents and those requiring higher levels of health care, such as those with chronic conditions. This could lead to lower work productivity and missed school days. However, the Departments anticipate that such effects may be limited because few employees are likely to be affected and it is anticipated that the inclusion of an orientation period will not result in most employees facing a full additional month between being hired and obtaining coverage.

5. Transfers

The possible transfers associated with these final regulations would arise when employers begin to pay their portion of premiums or contributions later than they did before the issuance of these final regulations. Recipients of the transfer would be employers who implement an orientation period in addition to the 90-day waiting period, thus delaying having to pay premiums. The source of the transfers would be covered employees who, after these final regulations become applicable, would have to wait longer between being employed and obtaining health coverage. During this period, affected employees might obtain an individual health insurance policy, purchase COBRA continuation coverage, or forgo health coverage—which could, depending on the policy, have higher out-of-pocket costs for their healthcare expenditures.

The Departments expect these transfers to be minimal because under these final regulations, only a small number of employers would further effectively extend start date for coverage to their employees. That is because a relatively small fraction of workers have waiting periods that exceed three months; this rule does not create an incentive that is not in the system already.

B. Regulatory Flexibility Act—Department of Labor and Department of Health and Human Services

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) (RFA) applies to most Federal rules that are subject to the

[7] In section III of this preamble, some subsections have a heading listing one or two of the three Departments. In those subsections, the term ''Departments'' generally refers only to the Departments listed in the heading.

[8] 79 FR 10321.

[9] This estimate is based upon internal Department of Labor calculations derived from the 2009 Medical Expenditure Panel Survey.

[10] *See e.g.,* Kaiser Family Foundation and Health Research and Education Trust, *Employer Health Benefits 2013 Annual Survey* (2013) available at *http://ehbs.kff.org/pdf/2013/8345.pdf.*

[11] Approximately 1.2 million private sector employees and 287,000 State and local public sector employees.

[12] 79 FR 10295 (February 24, 2014).

notice and comment requirements of section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 et seq.). Unless an agency certifies that such a rule will not have a significant economic impact on a substantial number of small entities, section 603 of the RFA requires the agency to present an initial regulatory flexibility analysis at the time of the publication of the notice of proposed rulemaking describing the impact of the rule on small entities. Small entities include small businesses, organizations and governmental jurisdictions. In accordance with the RFA, the Departments prepared an initial regulatory flexibility analysis at the proposed rule stage and requested comments on the analysis. No comments were received. Below is the Department's final regulatory flexibility analysis and its certification that these final regulations do not have a significant economic impact on a substantial number of small entities.

The Departments carefully considered the likely impact of the rule on small entities in connection with their assessment under Executive Order 12866. The Departments lack data to focus only on the impacts on small business. However, the Departments believe that by providing small businesses with flexibility to design reasonable and bona fide employment-based orientation periods, consistent with the 90-day waiting period limitation set forth in PHS Act section 2708, the final regulations reduce the burden on such businesses to comply with the provision. Based on the foregoing, the Departments hereby certify that these final regulations will not have a significant economic impact on a substantial number of small entities.

C. Special Analyses—Department of the Treasury

For purposes of the Department of the Treasury, it has been determined that this final rule is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these final regulations, and, because these final regulations do not impose a collection of information requirement on small entities, a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to Code section 7805(f), the proposed rule was submitted to the Small Business Administration for comment on its impact on small business.

D. Paperwork Reduction Act

This final rule is not subject to the requirements of the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3501 et seq.), because it does not contain a collection of information as defined in 44 U.S.C. 3502(3).

E. Congressional Review Act

These final regulations are subject to the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 et seq.) and will be transmitted to the Congress and the Comptroller General for review.

F. Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), as well as Executive Order 12875, these final regulations do not include any Federal mandate that may result in expenditures by State, local, or tribal governments, or by the private sector, of $100 million or more adjusted for inflation.

G. Federalism Statement—Department of Labor and Department of Health and Human Services

Executive Order 13132 outlines fundamental principles of federalism, and requires the adherence to specific criteria by Federal agencies in the process of their formulation and implementation of policies that have ''substantial direct effects'' on the States, the relationship between the national government and States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies promulgating regulations that have these federalism implications must consult with State and local officials, and describe the extent of their consultation and the nature of the concerns of State and local officials in the preamble to the regulation.

In the Departments' view, these final regulations have federalism implications, because they have direct effects on the States, the relationship between the national government and States, or on the distribution of power and responsibilities among various levels of government. In general, through section 514, ERISA supersedes State laws to the extent that they relate to any covered employee benefit plan, and preserves State laws that regulate insurance, banking, or securities. While ERISA prohibits States from regulating a plan as an insurance or investment company or bank, the preemption provisions of ERISA section 731 and PHS Act section 2724 (implemented in 29 CFR 2590.731(a) and 45 CFR 146.143(a)) apply so that the HIPAA requirements (including those of the Affordable Care Act) are not to be ''construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers in connection with group health insurance coverage except to the extent that such standard or requirement prevents the application of a requirement'' of a Federal standard. The conference report accompanying HIPAA indicates that this is intended to be the ''narrowest'' preemption of State laws. (See House Conf. Rep. No. 104–736, at 205, reprinted in 1996 U.S. Code Cong. & Admin. News 2018.)

States may continue to apply State law requirements except to the extent that such requirements prevent the application of the Affordable Care Act requirements that are the subject of this rulemaking. State insurance laws that are more stringent than the Federal requirements are unlikely to ''prevent the application of'' the Affordable Care Act, and be preempted. Accordingly, States have significant latitude to impose requirements on health insurance issuers that are more restrictive than the Federal law.

Guidance conveying this interpretation was published in the **Federal Register** on April 8, 1997 (62 FR 16904), and December 30, 2004 (69 FR 78720), and these final rules would clarify and implement the statute's minimum standards and would not significantly reduce the discretion given the States by the statute.

In compliance with the requirement of Executive Order 13132 that agencies examine closely any policies that may have federalism implications or limit the policy making discretion of the States, the Departments have engaged in efforts to consult with and work cooperatively with affected State and local officials, including attending conferences of the National Association of Insurance Commissioners and consulting with State insurance officials on an individual basis.

Throughout the process of developing these final regulations, to the extent feasible within the specific preemption provisions of HIPAA as it applies to the Affordable Care Act, the Departments have attempted to balance the States' interests in regulating health insurance issuers, and Congress' intent to provide uniform minimum protections to consumers in every State. By doing so, it is the Departments' view that they have complied with the requirements of Executive Order 13132.

IV. Statutory Authority

The Department of the Treasury regulations are adopted pursuant to the authority contained in sections 7805 and 9833 of the Code.

The Department of Labor regulations are adopted pursuant to the authority contained in 29 U.S.C. 1027, 1059, 1135, 1161–1168, 1169, 1181–1183, 1181 note, 1185, 1185a, 1185b, 1185d, 1191, 1191a, 1191b, and 1191c; sec. 101(g), Public Law 104–191, 110 Stat. 1936; sec. 401(b), Public Law 105–200, 112 Stat. 645 (42 U.S.C. 651 note); sec. 512(d), Public Law 110–343, 122 Stat. 3881; sec. 1001, 1201, and 1562(e), Public Law 111–148, 124 Stat. 119, as amended by Public Law 111–152, 124 Stat. 1029; Secretary of Labor's Order 3–2010, 75 FR 55354 (September 10, 2010).

The Department of Health and Human Services regulations are adopted pursuant to the authority contained in sections 2701 through 2763, 2791, and 2792 of the PHS Act (42 U.S.C. 300gg through 300gg–63, 300gg–91, and 300gg–92), as amended.

List of Subjects

26 CFR Part 54

Excise taxes, Health care, Health insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 2590

Continuation coverage, Disclosure, Employee benefit plans, Group health plans, Health care, Health insurance, Medical child support, Reporting and recordkeeping requirements.

45 CFR Part 147

Health care, Health insurance, Reporting and recordkeeping requirements, and State regulation of health insurance.

John Dalrymple,

Deputy Commissioner for Services and Enforcement, Internal Revenue Service.

Approved: June 18, 2014.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

Signed this 18th day of June, 2014.

Phyllis C. Borzi,

Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

Dated: June 19, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

Dated: June 19, 2014.

Sylvia Burwell,

Secretary, Department of Health and Human Services.

Department of the Treasury

Internal Revenue Service

26 CFR Chapter I

Accordingly, 26 CFR part 54 is amended as follows:

PART 54—PENSION EXCISE TAXES

■ **Paragraph 1.** The authority citation for Part 54 continues to read in part as follows:

Authority: 26 U.S.C. 7805. * * *

Section 54.9815–2708 is also issued under 26 U.S.C. 9833.

* * * * *

■ **Par. 2.** Section 54.9815–2708 is amended by adding paragraph (c)(3)(iii) and a new Example 11 in paragraph (f) to read as follows:

§ 54.9815–2708 Prohibition on waiting periods that exceed 90 days.

* * * * *

(c) * * *

(3) * * *

(iii) *Limitation on orientation periods.* To ensure that an orientation period is not used as a subterfuge for the passage of time, or designed to avoid compliance with the 90-day waiting period limitation, an orientation period is permitted only if it does not exceed one month. For this purpose, one month is determined by adding one calendar month and subtracting one calendar day, measured from an employee's start date in a position that is otherwise eligible for coverage. For example, if an employee's start date in an otherwise eligible position is May 3, the last permitted day of the orientation period is June 2. Similarly, if an employee's start date in an otherwise eligible position is October 1, the last permitted day of the orientation period is October 31. If there is not a corresponding date in the next calendar month upon adding a calendar month, the last permitted day of the orientation period is the last day of the next calendar month. For example, if the employee's start date is January 30, the last permitted day of the orientation period is February 28 (or February 29 in a leap year). Similarly, if the employee's start date is August 31, the last permitted day of the orientation period is September 30.

* * * * *

(f) * * *

Example 11. (i) *Facts.* Employee *H* begins working full time for Employer *Z* on October 16. *Z* sponsors a group health plan, under which full time employees are eligible for coverage after they have successfully completed a bona fide one-month orientation period. *H* completes the orientation period on November 15.

(ii) *Conclusion.* In this *Example 11,* the orientation period is not considered a subterfuge for the passage of time and is not considered to be designed to avoid compliance with the 90-day waiting period limitation. Accordingly, plan coverage for *H* must begin no later than February 14, which is the 91st day after *H* completes the orientation period. (If the orientation period was longer than one month, it would be considered to be a subterfuge for the passage of time and designed to avoid compliance with the 90-day waiting period limitation. Accordingly it would violate the rules of this section.)

* * * * *

Department of Labor

Employee Benefits Security Administration

29 CFR Chapter XXV

For the reasons stated in the preamble, the Department of Labor amends 29 CFR part 2590 as follows:

PART 2590—RULES AND REGULATIONS FOR GROUP HEALTH PLANS

■ 3. The authority citation for part 2590 continues to read as follows:

Authority: 29 U.S.C. 1027, 1059, 1135, 1161–1168, 1169, 1181–1183, 1181 note, 1185, 1185a, 1185b, 1185c, 1185d, 1191, 1191a, 1191b, and 1191c; sec. 101(g), Pub. L. 104–191, 110 Stat. 1936; sec. 401(b), Pub. L. 105–200, 112 Stat. 645 (42 U.S.C. 651 note); sec. 512(d), Pub. L. 110–343, 122 Stat. 3881; sec. 1001, 1201, and 1562(e), Pub. L. 111–148, 124 Stat. 119, as amended by Pub. L. 111–152, 124 Stat. 1029; Secretary of Labor's Order 3–2010, 75 FR 55354 (September 10, 2010).

■ 4. Section 2590.715–2708 is amended by adding paragraph (c)(3)(iii) and a

new Example 11 in paragraph (f) to read as follows:

§ 2590.715–2708 Prohibition on waiting periods that exceed 90 days.

* * * * *

(c) * * *

(3) * * *

(iii) *Limitation on orientation periods.* To ensure that an orientation period is not used as a subterfuge for the passage of time, or designed to avoid compliance with the 90-day waiting period limitation, an orientation period is permitted only if it does not exceed one month. For this purpose, one month is determined by adding one calendar month and subtracting one calendar day, measured from an employee's start date in a position that is otherwise eligible for coverage. For example, if an employee's start date in an otherwise eligible position is May 3, the last permitted day of the orientation period is June 2. Similarly, if an employee's start date in an otherwise eligible position is October 1, the last permitted day of the orientation period is October 31. If there is not a corresponding date in the next calendar month upon adding a calendar month, the last permitted day of the orientation period is the last day of the next calendar month. For example, if the employee's start date is January 30, the last permitted day of the orientation period is February 28 (or February 29 in a leap year). Similarly, if the employee's start date is August 31, the last permitted day of the orientation period is September 30.

* * * * *

(f) * * *

Example 11. (i) *Facts.* Employee *H* begins working full time for Employer *Z* on October 16. *Z* sponsors a group health plan, under which full time employees are eligible for coverage after they have successfully completed a bona fide one-month orientation period. *H* completes the orientation period on November 15.

(ii) *Conclusion.* In this *Example 11,* the orientation period is not considered a subterfuge for the passage of time and is not considered to be designed to avoid compliance with the 90-day waiting period limitation. Accordingly, plan coverage for *H* must begin no later than February 14, which is the 91st day after *H* completes the orientation period. (If the orientation period was longer than one month, it would be considered to be a subterfuge for the passage of time and designed to avoid compliance with the 90-day waiting period limitation. Accordingly it would violate the rules of this section.)

* * * * *

Department of Health and Human Services

45 CFR Subtitle A

For the reasons set forth in the preamble, the Department of Health and Human Services amends 45 CFR part 147 as set forth below:

PART 147—HEALTH INSURANCE REFORM REQUIREMENTS FOR THE GROUP AND INDIVIDUAL HEALTH INSURANCE MARKETS

■ 5. The authority citation for part 147 continues to read as follows:

Authority: Secs. 2701 through 2763, 2791, and 2792 of the Public Health Service Act (42 U.S.C. 300gg through 300gg–63, 300gg–91, and 300gg–92).

■ 6. Section 147.116 is amended by adding paragraph (c)(3)(iii) and a new Example 11 in paragraph (f) to read as follows:

§ 147.116 Prohibition on waiting periods that exceed 90 days.

* * * * *

(c) * * *

(3) * * *

(iii) *Limitation on orientation periods.* To ensure that an orientation period is not used as a subterfuge for the passage of time, or designed to avoid compliance with the 90-day waiting period limitation, an orientation period is permitted only if it does not exceed one month. For this purpose, one month is determined by adding one calendar month and subtracting one calendar day, measured from an employee's start date in a position that is otherwise eligible for coverage. For example, if an employee's start date in an otherwise eligible position is May 3, the last permitted day of the orientation period is June 2. Similarly, if an employee's start date in an otherwise eligible position is October 1, the last permitted day of the orientation period is October 31. If there is not a corresponding date in the next calendar month upon adding a calendar month, the last permitted day of the orientation period is the last day of the next calendar month. For example, if the employee's start date is January 30, the last permitted day of the orientation period is February 28 (or February 29 in a leap year). Similarly, if the employee's start date is August 31, the last permitted day of the orientation period is September 30.

* * * * *

(f) * * *

Example 11. (i) *Facts.* Employee *H* begins working full time for Employer *Z* on October 16. *Z* sponsors a group health plan, under which full time employees are eligible for coverage after they have successfully completed a bona fide one-month orientation period. *H* completes the orientation period on November 15.

(ii) *Conclusion.* In this *Example 11,* the orientation period is not considered a subterfuge for the passage of time and is not considered to be designed to avoid compliance with the 90-day waiting period limitation. Accordingly, plan coverage for *H* must begin no later than February 14, which is the 91st day after *H* completes the orientation period. (If the orientation period was longer than one month, it would be considered to be a subterfuge for the passage of time and designed to avoid compliance with the 90-day waiting period limitation. Accordingly it would violate the rules of this section.)

* * * * *

[FR Doc. 2014–14795 Filed 6–20–14; 4:15 pm]

BILLING CODE 4830–01–P; 4510–29–P; 4120–01–P; 6325–64–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2014–0073]

RIN 1625–AA08

Special Local Regulation; Annual Swim Around Key West, Atlantic Ocean and Gulf of Mexico; Key West, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation on the waters of the Atlantic Ocean and the Gulf of Mexico surrounding the island of Key West, Florida during the Annual Swim around Key West on June 28, 2014. The event entails a large number of participants who will begin at Smather's Beach and swim one full circle clockwise around the island of Key West, Florida. The special local regulation is necessary to provide for the safety of the spectators, participants, participating support vessels and kayaks, and other vessels and users of the waterway during the event. The special local regulation will consist of a moving area that will temporarily restrict vessel traffic in a portion of both the Atlantic Ocean and the Gulf of Mexico, and will prevent non-participant vessels from entering, transiting through, anchoring in, or remaining within the area unless authorized by the Captain of the Port Key West or a designated representative.

DATES: This rule is effective and will be enforced from 7:30 a.m. until 3:30 p.m. on June 28, 2014.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Marine Science Technician First Class Ian Bowes, Sector Key West Prevention Department, U.S. Coast Guard; Telephone (305) 292–8823, email *Ian.G.Bowes@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR **Federal Register**
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard published a NPRM on March 18, 2014. No comments were received. No public meeting has been requested.

The Administrative Procedure Act (APA) (*5 U.S.C. 553(d)(3)*) authorizes an agency to publish a rule less than 30 days before its effective date when the agency for good cause finds that waiting 30 days would be ''impracticable, unnecessary, or contrary to the public interest.'' The Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. As stated above, we published the NPRM on these special local regulations on March 18, 2014 (78 FR 33221), and we received no comments on the proposed rule. Delaying this regulation's effective date for 30 days would be impracticable and would be contrary to the public interest as immediate action is needed to ensure the safety of the event participants, spectator craft, and other vessels transiting the event area. A special local regulation is in the public interest in making this a safe event. The Coast Guard will provide advance notice of the special local regulation by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233. The purpose of the rule is to ensure safety of life and property on navigable waters of the United States during the Annual Swim around Key West, FL.

C. Discussion of the Final Rule

The special local regulation encompasses certain waters of the Atlantic Ocean and Gulf of Mexico. The special local regulation will be enforced on Saturday, June 28, 2014 from 7:30 a.m. until 3:30 p.m. The special local regulation consists of a moving race area where all persons and vessels, except those participating in the race nor serving as safety vessels, are prohibited from entering, transiting through, anchoring in, or remaining within these areas unless authorized by the Captain of the Port Key West or a designated representative. The race area will commence at Smather's Beach at 7:30 a.m., transit West to the area offshore of Fort Zach State Park, North through Key West Harbor, East through Fleming Cut, South on Cow Key Channel and West back to origin. Safety vessels will precede the first participating swimmers and follow the last participating swimmers. This event poses significant risks to participants, spectators, and the boating public because of the large number of swimmers and recreational vessels that are expected in the area of the event. The special local regulation is necessary to ensure the safety of participants, spectators, and vessels from the hazards associated with the event.

The special local regulation will be enforced from 7:30 a.m. to 3:30 p.m. on June 28, 2014. Persons and vessels who are neither participating in the race or serving as safety vessels may not enter, transit through, anchor in, or remain within the regulated area unless authorized by the Captain of the Port Key West or a designated representative.

Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Key West by telephone at (305) 292–8727, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter transit through, anchor in, or remain within regulated area is granted by the Captain of the Port Key West or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Key West or the designated representative. The Coast Guard will provide notice of the special local regulation by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes or executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The economic impact of this rule is not significant for the following reasons: (1) The rule will be enforced for a total of only 8 hours; (2) Non-participant persons and vessels may enter, transit through, anchor in, or remain within the regulated area during the enforcement period if authorized by the Captain of the Port Key West or a designated representative; (3) vessels not able to enter, transit through, anchor in, or remain within the regulated area without authorization from the Captain of the Port Key West or a designated representative may operate in the surrounding areas during the enforcement period; and (4) advance notification of the event will be made to the local maritime community via local notice to mariners, marine safety information bulletins, and broadcast notice to mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small

entities: Owners or operators of vessels intending to enter, transit through, anchor in, or remain within the regulated are during the enforcement period. For the reasons discussed in Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This rule is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.35T07–0073 to read as follows:

§ 100.35T07–0073 Special Local Regulation; Annual Swim around Key West, Atlantic Ocean and Gulf of Mexico; Key West, FL.

(a) *Regulated Area.* The following regulated area is established as a special local regulation. All waters within a moving zone, beginning at Smather's Beach in Key West, FL. The regulated area will move, West to the area offshore of Fort Zach State Park, North through Key West Harbor, East through Fleming Cut, South on Cow Key Channel and West back to origin. The center of the

regulated area will at all times remain approximately 50 yards offshore of the island of Key West, Florida; extend 50 yards in front of the lead safety vessel preceding the first race participants; extend 50 yards behind the safety vessel trailing the last race participants; and at all times extend 100 yards on either side of the race participants and safety vessels.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, State, and local officers designated by or assisting the Captain of the Port Key West in the enforcement of the regulated area.

(c) *Regulations.* (1) All persons and vessels, except authorized race participants or safety vessels, are prohibited from entering, transiting through, anchoring in, or remaining within the race area. Persons and vessels desiring to enter, transit through, anchor in, or remain within the race area, may contact the Captain of the Port Key West by telephone at (305) 292–8727, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain with the race area, is granted by the Captain of the Port Key West or a designated representative.

(2) The Coast Guard will provide notice of the regulated area by Marine Safety Information Bulletins, Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement Date.* This rule will be enforced from 7:30 a.m. to 3:30 p.m. June 28, 2014.

Dated: June 2, 2014.

A.S. Young, Sr.,

Captain, U.S. Coast Guard, Captain of the Port Key West.

[FR Doc. 2014–14652 Filed 6–24–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[ED–2014–OSERS 0043]

Final Priority; National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final priority.

[CFDA Number: 84.133B–3.]

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces a priority for the Rehabilitation Research and Training Center (RRTC) Program administered by the National Institute on Disability and Rehabilitation Research (NIDRR). Specifically, we announce a priority for an RRTC on Employment for Individuals with Intellectual and Developmental Disabilities. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2014 and later years. We take this action to focus research attention on areas of national need. We intend for this priority to contribute to improved employment outcomes of individuals with intellectual and developmental disabilities.

DATES: *Effective Date:* This priority is effective July 25, 2014.

FOR FURTHER INFORMATION CONTACT: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202–2700. Telephone: (202) 245–6211 or by email: *patricia.barrett@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Research and Training Centers

The purpose of the RRTCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to achieve the goals of, and improve the effectiveness of, services authorized under the Rehabilitation Act through well-designed research, training, technical assistance, and dissemination activities in important topical areas. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, family members, policymakers, and other research stakeholders. Additional information on the RRTC program can be found at: *http://www2.ed.gov/programs/rrtc/index.html.*

Program Authority: 29 U.S.C. 762(g) and 764(b)(2).

Applicable Program Regulations: 34 CFR part 350.

We published a notice of proposed priority (NPP) for this program in the **Federal Register** on March 3, 2014 (79 FR 11742). That notice contained background information and our reasons for proposing the particular priority.

Except for one revision explained in the Analysis of Comments and Changes section, there are no differences between the proposed priority and this final priority.

Public Comment: In response to our invitation in the NPP, three parties submitted comments on the proposed priority.

Generally, we do not address technical and other minor changes.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the priority since publication of the notice of proposed priority follows.

Comment: One commenter questioned the need for this priority. Specifically, the commenter believed that with the current Federal budget restraints, we should not be spending money on any type of research.

Discussion: The proposed RRTC on Employment for Individuals with Intellectual and Developmental Disabilities is consistent with the research agenda outlined in NIDRR's Long-Range Plan for Fiscal Years 2013–2017 (Plan), which was published in the **Federal Register** on April 4, 2013 (78 FR 20299). One of the goals of the Plan is to establish a balanced distribution of priorities focused on improved outcomes in the domains of employment, community living and participation, and health and function that address the needs of individuals with different disabilities, personal characteristics, and social circumstances. NIDRR believes that the proposed RRTC on Employment for Individuals with Intellectual and Developmental Disabilities is consistent with that goal and will help to improve outcomes for this population.

More specifically, as we discussed in the NPP, there is a need to increase knowledge about effective ways to prepare persons with intellectual and

developmental disabilities in their homes, schools, and communities for competitive integrated work; effectively bundle individual practices and experiences associated with desirable employment outcomes into more effective programs of employment supports; and scale up effective practices and programs to provide substantially increased opportunities for individuals with intellectual and developmental disabilities to experience well-developed, effective employment support. We believe this priority will focus research attention on this area of national need.

Changes: None.

Comment: One commenter stated that individuals with the most severe intellectual and developmental disabilities are often assumed to be unable to work, and therefore not included in research that could impact future employment supports and outcomes for this population. The commenter also suggested that ''customized employment'' [1] could hold promise for improving employment outcomes for individuals with the most severe intellectual and developmental disabilities. The commenter recommended that we revise the priority to encourage RRTCs to include individuals with the most severe intellectual and developmental disabilities in its activities.

Discussion: NIDRR agrees with the commenter that research and related activities are needed to improve employment outcomes for individuals with disabilities, especially individuals with the most severe disabilities. However, we do not want to limit applicants' choices by specifying or recommending the severity of disability for their target population. The priority language allows applicants to focus their research and related activities on individuals with intellectual and developmental disabilities as a group, or on specific subpopulations. With this field-initiated priority, we purposefully allow researchers to specify and justify their target population.

Changes: None.

Comment: One commenter suggested that NIDRR modify the priority to require the involvement of directors of State vocational rehabilitation agencies in the RRTC's activities.

Discussion: Paragraph (c)(iv) of the priority requires the RRTC to contribute to improving employment outcomes by involving key stakeholder groups in its research activities. The priority does not require that any particular stakeholder group be involved in its activities because the most critical stakeholders may vary depending on the specific activity proposed. However, representatives of State VR agencies are listed as an example of a key stakeholder. In addition, nothing in the priority precludes an applicant from proposing the participation and involvement of State VR agency directors in their RRTC activities. The peer review process will determine the merits of each proposal.

Changes: None.

Comment: None.

Discussion: After further review, we believe that it would strengthen this priority to highlight in this priority the importance of employment of individuals with intellectual and developmental disabilities in integrated competitive settings. This concept is introduced in the background section of the NPP, published in the **Federal Register** on March 3, 2014 (79 FR 11742). Specifically, the NPP introduced data showing that, of 566,188 individuals with intellectual and developmental disabilities in integrated employment, sheltered employment, and non-work settings in 2010, only 19 percent were in integrated, competitive employment. For this reason, we want to make even clearer our belief that individuals with intellectual and developmental disabilities have a right to earn a real wage (at least minimum wage) in an environment where there are people with and without disability.

Changes: We have added integrated, competitive employment to the overarching purpose statement in the introductory language of the priority.

Final Priority

The Assistant Secretary for Special Education and Rehabilitative Services establishes a priority for an RRTC on Employment for Individuals with Intellectual and Developmental Disabilities.

The RRTC must contribute to improving the employment outcomes, particularly in integrated, competitive employment settings, of individuals with intellectual and developmental disabilities by:

(a) Conducting well-designed research activities in one or more of the following priority areas, focusing on individuals with intellectual and developmental disabilities as a group or on individuals in specific disability or demographic subpopulations of individuals with intellectual and developmental disabilities:

(i) Technology to improve employment outcomes for individuals with intellectual and developmental disabilities.

(ii) Individual, work environment, or employer factors associated with improved employment opportunities or outcomes for individuals with intellectual and developmental disabilities.

(iii) Interventions that contribute to improved employment outcomes for individuals with intellectual and developmental disabilities. Interventions include any one or combination of the following: Strategies, practices, programs, policies, or tools that, when implemented as intended, contribute to improvements in opportunities or outcomes for individuals with disabilities, and may include interventions focused on individuals, families, employers, or service providers.

(iv) Effects of current or modified government practices, policies, and programs on employment outcomes for individuals with intellectual and developmental disabilities.

(v) Practices and policies that contribute to improved employment outcomes for transition-aged youth with intellectual and developmental disabilities.

(b) Identifying and focusing its research on one or more specific stages of research, including specifically at least one significant evaluation project focused on scaling up existing validated employment interventions or programs to multiple employment settings. If the RRTC is to conduct research that can be categorized under more than one of the research stages, or research that progresses from one stage to another, those stages should be clearly specified. These stages and their definitions are in the notice of final priorities and definitions published in the **Federal Register** on May 7, 2013 (78 FR 26513).

(c) Serving as a national resource center related to employment for individuals with intellectual and developmental disabilities, their families, and other stakeholders by conducting knowledge translation activities that include, but are not limited to:

(i) Providing information and technical assistance on job development and placement, job training and support, customized employment, and other aspects of supported employment to school-based transition programs, employment service providers, employers, individuals with intellectual and developmental disabilities and their representatives, and other key stakeholders.

[1] See *www.dol.gov/odep/categories/workforce/CustomizedEmployment/what/* for more information about customized employment.

(ii) Providing training, including graduate, pre-service, and in-service training, to vocational rehabilitation, school-based transition programs, and other employment service providers, to achieve integrated, competitive employment outcomes for individuals with intellectual and developmental disabilities. This training may be provided through conferences, workshops, public education programs, in-service training programs, and similar activities.

(iii) Disseminating, in accessible formats, research-based information and materials related to employment for individuals with intellectual and developmental disabilities.

(iv) Involving key stakeholder groups in the activities conducted under paragraph (a) in order to maximize the relevance and usability of the new knowledge generated by the RRTC. Such stakeholder groups may vary depending on the specific activity proposed, but could include representatives of agencies such as the State Developmental Disabilities program/service agencies, State Developmental Disability Planning Councils, State Protection and Advocacy Agencies, State vocational rehabilitation agencies, and State Employment First coalitions, as well as consumer advocacy agencies such as The Arc, UCP, TASH, and People First.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this final priority only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

The benefits of the Disability and Rehabilitation Research Projects and Centers Program have been well established over the years, as projects similar to the one envisioned by the final priority have been completed successfully. The new RRTC will generate and promote the use of new knowledge that likely will improve the employment outcomes for individuals with disabilities.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 20, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–14899 Filed 6–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED–2014–OSERS–0022]

Final Priority; National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final priority.

[CFDA Number: 84.133B–5.]

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces a priority under the Rehabilitation Research and Training Center (RRTC) Program administered by the National Institute on Disability and Rehabilitation Research (NIDRR). Specifically, this notice announces a priority for an RRTC on Improving Employment Outcomes for Individuals with Psychiatric Disabilities. We take this action to focus research attention on an area of national need. We intend this priority to contribute to improved employment outcomes for individuals with psychiatric disabilities.

DATES: *Effective Date:* This priority is effective July 25, 2014.

FOR FURTHER INFORMATION CONTACT: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202–2700. Telephone: (202) 245–6211 or by email: *patricia.barrett@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Research and Training Centers

The purpose of the RRTCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to achieve the goals of, and improve the effectiveness of, services authorized under the Rehabilitation Act through well-designed research, training, technical assistance, and dissemination activities in important topical areas, as specified by NIDRR. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, family members, policymakers, and other research stakeholders. Additional information on the RRTC program can be found at: *http://www2.ed.gov/programs/rrtc/index.html#types.*

Program Authority: 29 U.S.C. 762(g) and 764(b)(2).

Applicable Program Regulations: 34 CFR part 350.

We published a notice of proposed priority for this program in the **Federal Register** on Wednesday, March 26, 2014 (79 FR 16707). That notice contained background information and our reasons for proposing the particular priority.

There are no differences between the proposed priority and this final priority as discussed in the *Analysis of Comments and Changes* section elsewhere in this notice.

Public Comment: In response to our invitation in the notice of proposed priority, four parties submitted comments on the proposed priority.

Generally, we do not address technical and other minor changes. In addition, we do not address the general comments we received that raised concerns not directly related to the proposed priority.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the priority since publication of the notice of proposed priority follows.

Comment: Two commenters suggested that NIDRR modify the priority to require a focus on promising practices that could enhance employment outcomes for individuals with psychiatric disabilities and serve as the basis for research by the RRTC. One commenter suggested that NIDRR modify the priority to focus on psychiatric treatment programs that emphasize timely intervention following an initial psychiatric episode, as well as supported education programs for youth and young adults with psychiatric disabilities. The other commenter suggested that NIDRR modify the priority to focus on educational and supported housing interventions for adults with psychiatric disabilities, as well as early screening and assessment programs to identify children with psychiatric disabilities while they are in school.

Discussion: Nothing in the priority precludes applicants from focusing on the topics described by the commenters. However, we do not wish to preclude applicants from proposing other areas of research by requiring all applicants to address the topics presented by the commenters. The peer review process will determine the merits of each proposal.

Changes: None.

Final Priority

The Assistant Secretary for Special Education and Rehabilitative Services establishes a priority for an RRTC on Improving Employment Outcomes for Individuals with Psychiatric Disabilities. This priority will be jointly funded by NIDRR and the Substance Abuse and Mental Health Services Administration (SAMHSA). For the purposes of this priority, ''employment outcomes'' may refer to, but are not limited to, obtaining employment, job retention, job advancement, or compensation.

The RRTC must contribute to improving the employment outcomes of individuals with psychiatric disabilities by:

(a) Conducting well-designed research activities, with an emphasis on

promising practices with currently limited evidence bases, in one or more of the following priority areas, focusing on individuals with psychiatric disabilities as a group or on individuals with a specific disability or on demographic subpopulations of individuals with psychiatric disabilities:

(1) Technology to improve employment outcomes for individuals with psychiatric disabilities.

(2) Individual, work environment, or employer factors associated with improved employment outcomes for individuals with psychiatric disabilities.

(3) Interventions that contribute to improved employment outcomes for individuals with psychiatric disabilities. Interventions include any strategy, practice, program, policy, or tool that, when implemented as intended, contributes to improvements in employment outcomes for individuals with psychiatric disabilities, and may include interventions focused on individuals, families, employers, or service providers.

(4) Effects of current or modified government practices, policies, and programs on employment outcomes for individuals with psychiatric disabilities;

(b) Focusing its research on one or more specific stages of research. If the RRTC is to conduct research that can be categorized under more than one of the research stages, or research that progresses from one stage to another, those stages should be clearly specified.

Note: For purposes of this priority, the stages of research are from the notice of final priority published in the **Federal Register** on June 7, 2013 (78 FR 34261).

(c) Serving as a national resource center related to employment for individuals with psychiatric disabilities, their families, and other stakeholders by conducting knowledge translation activities that include, but are not limited to:

(1) Providing information and technical assistance to employment service providers, mental health service providers, employers, individuals with psychiatric disabilities and their representatives, and other key stakeholders. These activities will include providing technical assistance on evidence-based, supported employment to SAMHSA grantees that are awarded funds in FY 2014 to enhance State and community capacity to provide supported employment programs targeting adults with serious mental illnesses, including persons with co-occurring mental illness and substance abuse disorders.

(2) Providing training, including graduate, pre-service, and in-service training, to vocational rehabilitation and other employment service providers, to facilitate more effective delivery of employment services to individuals with psychiatric disabilities. This training may be provided through conferences, workshops, public education programs, in-service training programs, and similar activities.

(3) Disseminating research-based information and materials related to increasing employment levels for individuals with psychiatric disabilities.

(4) Involving key stakeholder groups in the activities conducted under paragraph (a) of this priority to promote the new knowledge generated by the RRTC.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as

accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this final priority only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

The benefits of the Disability and Rehabilitation Research Projects and Centers Program have been well established over the years. Projects similar to the one envisioned by the final priority have been completed successfully, and the proposed priority would generate new knowledge through research. The new RRTC would generate, disseminate, and promote the use of new information that would improve outcomes for individuals with disabilities in the areas of community living and participation, employment, and health and function.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 20, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–14910 Filed 6–24–14; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2014–0206; FRL–9912–56–Region 5]

Approval and Promulgation of Implementation Plans; Wisconsin; Nitrogen Oxide Combustion Turbine Alternative Control Requirements for the Milwaukee-Racine Former Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of an adverse comment, EPA is withdrawing the April 30, 2014, direct final rule approving a revision to the Wisconsin State Implementation Plan. EPA will address the comment in a subsequent final action based upon the proposed rulemaking action, also published on April 30, 2014. EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 79 FR 24337 on April 30, 2014, is withdrawn effective June 25, 2014.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Environmental Engineer, Attainment Planning & Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6052, *rosenthal.steven@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA is withdrawing the April 30, 2014 (79 FR 24337), direct final rule approving a revision to the Wisconsin nitrogen oxide combustion turbine rule for the Milwaukee-Racine former nonattainment area. In the direct final rule, EPA stated that if adverse comments were received by May 30, 2014, the rule would be withdrawn and not take effect. On May 30, 2014, EPA received a comment, which it interprets as adverse and, therefore, EPA is withdrawing the direct final rule. EPA will address the comment in a subsequent final action based upon the proposed rulemaking action, also published on April 30, 2014 (79 FR 24359). EPA will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: June 11, 2014.

Susan Hedman,

Regional Administrator, Region 5.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ Accordingly, the amendment to 40 CFR 52.2570 published in the **Federal Register** on April 30, 2014 (79 FR 24337) on page 24340 is withdrawn effective June 25, 2014.

[FR Doc. 2014–14686 Filed 6–24–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 12–375; DA 14–829]

Rates for Interstate Inmate Calling Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of due date.

SUMMARY: On September 26, 2013, the Federal Communications Commission (Commission) released a Report and Order and Further Notice of Proposed Rulemaking, *Rates for Interstate Inmate Calling Services,* WC Docket No. 12–375, FCC 13–113, (Report and Order) which required, among other things, that all ICS providers comply with a one-time mandatory data collection provided in the Report and Order to enable the Commission to determine what costs ICS providers incur in order to guide the Commission as it evaluates next steps toward permanently reforming ICS rates, including the adoption of rates that are just, reasonable, and fair. This information collection required approval from the

Office of Management and Budget (OMB). This document announces the due date to file data with the Commission responsive to the one-time mandatory data collection requirement.

DATES: Data responsive to the information collection requirements provided in Section III.I of the Report and Order are due July 17, 2014.

FOR FURTHER INFORMATION CONTACT: Lynne Hewitt Engledow, Wireline Competition Bureau, (202) 418–1520 or *lynne.engledow@fcc.gov.*

SUPPLEMENTARY INFORMATION: The information collection requirement in Section III.I of the *Report and Order,* published at 78 FR 67956, was approved by the Office of Management and Budget on June 2, 2014. The notices of Paperwork Reduction Act approval and information collection effective date were published at 79 FR 33709 on June 12, 2014. This allows the Commission to collect from all ICS providers data related to the costs of providing ICS as outlined in Section III.I of the *Report and Order.* The required data are due July 17, 2014.

To assist ICS providers and to allow for uniform data filing, the Commission has developed a template form and related instructions for ICS providers to use to file the required data. These documents may be found at *www.fcc.gov/encyclopedia/ICS-mandatory-data-collection.* The required data may be filed pursuant to the *Protective Order* adopted in this proceeding. The Commission requires ICS provider data to be filed electronically. Additional information related to filing data, including how to file confidential data, may be found in the instructions on the above-referenced Web site.

Federal Communications Commission.

Lynne H. Engledow,

Assistant Division Chief, Wireline Competition Bureau.

[FR Doc. 2014–14863 Filed 6–24–14; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 300

[Docket No. 140131091–4091–01]

RIN 0648–BD95

Identification and Certification of Nations; Notification of Effective Date of Information Collection Requirements

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; notification of effective date.

SUMMARY: This rule provides notice of the effective date of the collection-of-information requirements first published in the **Federal Register** on January 12, 2011. The collection-of-information requirements pertained to documentation for imports of fishery products from nations that are negatively certified for illegal fishing or bycatch of protected resources. The Shark Conservation Act, established additional criteria for certifying nations, and the import documentation requirements were subsequently revised by a final rule published on January 16, 2013. The Office of Management and Budget (OMB) approved the revised collection-of-information requirements upon publication of that final rule.

DATES: The amendments to 15 CFR 902.1 in this final rule are effective June 25, 2014. The revised information collection requirements contained in 50 CFR 300.206(b)(2), 300.207, and 300.208 were approved by OMB on January 16, 2013 (78 FR 3345, 3346), and are effective June 25, 2014.

FOR FURTHER INFORMATION CONTACT: Laura Cimo, Trade and Marine Stewardship Division, Office of International Affairs, NMFS, at (301) 427–8350.

SUPPLEMENTARY INFORMATION:

Background

Under the High Seas Driftnet Fishing Moratorium Protection Act (Moratorium Protection Act), as amended by the Magnuson-Stevens Reauthorization Act (Pub. L. 109–479) and the Shark Conservation Act (Pub. L. 111–348), the Secretary of Commerce is authorized to identify nations whose vessels are engaged in, or have been engaged in: Illegal, unreported and unregulated (IUU) fishing; fishing activities that have bycatch of protected living marine resources (PLMR); and fishing for sharks on the high seas without adopting a regulatory program for the conservation of sharks comparable to that of the United States. Nations identified for IUU fishing, PLMR bycatch, or unsustainable shark fishing that do not take corrective action and do not subsequently receive a positive certification from the Secretary of Commerce may be subject to measures imposed by the Secretary of the Treasury under the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a). Such measures include the denial of port privileges for fishing vessels of those nations, and, as directed by the President, may include a prohibition on the importation into the United States of certain fish and fish products caught by the vessels engaged in the relevant activity for which the nations were identified, or other measures.

NMFS published a final rule to specify the procedures for identification and certification of nations under the Highs Seas Driftnet Moratorium Protection Act on January 12, 2011 (76 FR 2011). That final rule contained collection-of-information requirements specified in §§ 300.205(b)(2), 300.206(c), and 300.207(c). These regulations required documentation of admissibility for fishery products exported to the United States from nations that were not positively certified subsequent to identification by the United States for having vessels engaged in illegal, unreported and unregulated (IUU) fishing and/or bycatch of protected living marine resources. These collection-of-information requirements were not made effective in that final rule, pending approval of these requirements by OMB.

In a subsequent rulemaking, published on January 16, 2013 (78 FR 3338), § 300.205 was redesignated as § 300.206; § 300.206 was redesignated as § 300.207, § 300.207 was redesignated as § 300.208 and § 300.209 was added. The redesignated sections contained the original documentation requirements for exports of fishery products to the United States and the new section contained documentation requirements for exports of fishery products to the United States from nations that were not positively certified subsequent to identification by the United States for having vessels engaged in fishing for sharks on the high seas in a manner not comparable in effectiveness to the regulatory program of the United States. These revised collection-of-information requirements contained in §§ 300.206(b)(2),

300.207(c), 300.208(c), and 300.209(c) were approved by OMB on January 16, 2013 (78 FR 3345, 3346).

This final rule notifies the public that the collection-of-information requirements contained in §§ 300.206, 300.207, 300.208, and 300.209 have been approved by OMB and are effective. In addition, this final rule will update the table on NOAA information collections approved by OMB that appears under 15 CFR part 902.

Classification

This final rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). The collection of this information has been approved by the Office of Management and Budget under OMB Control Number 0648–0651. The information collection consists of documentation requirements for exports of fishery products to the United States from nations that were not positively certified subsequent to identification by the United States under the procedures of the High Seas Driftnet Moratorium Protection Act (50 CFR part 300, subpart N).

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries finds that there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be unnecessary. Notice and comment are unnecessary for this current action because an opportunity for public comment was previously provided during the rulemaking to establish the collection-of-information requirement (78 FR 3338) and this current action makes only minor, non-substantive changes to the table on NOAA information collections approved by OMB that appears under 15 CFR part 902. No aspect of this required action is controversial. NMFS therefore determines that APA requirements for public notice and comment are unnecessary for this action and determines that this rule is not subject to the 30-day delay in effectiveness requirement at 5 U.S.C. 553(d).

List of Subjects in 15 CFR Part 902

Reporting and recordkeeping requirements.

Dated: June 19, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For reasons stated in the preamble, 15 CFR part 902 is amended as follows:

15 CFR Chapter IX

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

■ 1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 350 *et seq.*

■ 2. In § 902.1, the table in paragraph (b) under 50 CFR is amended by adding new entries in numerical order for §§ 300.206(b)(2), 300.207(c), 300.208(c) and 300.209(c) to read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) * * *

CFR Part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648–)
* * * * *	
50 CFR	
* * * * *	
300.206(b)(2)	–0651
300.207(c)	–0651
300.208(c)	–0651
300.209(c)	–0651

* * * * *

[FR Doc. 2014–14916 Filed 6–24–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131021878–4158–02]

RIN 0648–XD347

Fisheries of the Exclusive Economic Zone Off Alaska; Reapportionment of Halibut Prohibited Species Catch Limit in the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule.

SUMMARY: NMFS is reapportioning the projected unused amounts of the halibut prohibited species catch (PSC) limit from the Bering Sea and Aleutian Islands (BSAI) trawl limited access sector's Pacific cod fishery to the BSAI trawl limited access yellowfin sole fishery. This action is necessary to provide opportunity for harvest of the 2014 total allowable catch of yellowfin sole by the BSAI trawl limited access sector, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), June 25, 2014, until 2400 hrs, A.l.t., December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In the BSAI, the halibut PSC limit apportioned as a bycatch allowance for the BSAI trawl limited access sector's Pacific cod fishery is 453 metric tons (mt) as established by the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014).

As of June 12, 2014, the Administrator, Alaska Region, NMFS, (Regional Administrator), has determined that 60 mt of the 2014 halibut bycatch allowance for the BSAI trawl limited access sector's Pacific cod fishery will not be used. Therefore, after consultation with the Council, and in accordance with § 679.21(e)(3)(i)(B), NMFS reapportions 60 mt of halibut bycatch allowance from the BSAI trawl limited access sector's Pacific cod fishery, to the BSAI trawl limited access sector's yellowfin sole fishery. The revised 2014 halibut bycatch allowances are 393 mt for the BSAI trawl limited access sector's Pacific cod fishery and 227 mt for the BSAI trawl limited access sector's yellowfin sole fishery. Table 12 of the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014) is revised consistent with this reapportionment.

TABLE 12—FINAL 2014 AND 2015 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR

BSAI trawl limited access fisheries	Prohibited species and area [1]					
	2014 Halibut mortality (mt) BSAI	2015 Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	*C. opilio* (animals) COBLZ	*C. bairdi* (animals)	
					Zone 1	Zone 2
Yellowfin sole	227	167	23,338	3,026,465	346,228	1,185,500
Rock sole/flathead sole/other flatfish [2]	0	0	0	0	0	0
Turbot/arrowtooth/sablefish [3]	0	0	0	0	0	0
Rockfish April 15–December 31	5	5	0	5,000	0	1,000
Pacific cod	393	453	2,954	129,000	60,000	50,000
Pollock/Atka mackerel/other species [4]	250	250	197	50,000	5,000	5,000
Total BSAI trawl limited access PSC	875	875	26,489	3,210,465	411,228	1,241,500

[1] Refer to § 679.2 for definitions of areas.
[2] "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.
[3] Arrowtooth flounder for PSC monitoring includes Kamchatka flounder.
[4] "Other species" for PSC monitoring includes skates, sculpins, sharks, squids, and octopuses.
Note: Seasonal or sector apportionments may not total precisely due to rounding.

Classification

This action responds to the best available information recently obtained from the fishery and consultation with the Council. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reapportionment of the BSAI trawl limited access sector's halibut PSC limit. It is important to immediately inform the industry as to the reapportionment of the BSAI trawl limited access sector's halibut PSC limit. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing season and avoid potential disruption to the fishing fleet and processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of June 12, 2014.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 19, 2014.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–14735 Filed 6–24–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 79, No. 122

Wednesday, June 25, 2014

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1207

RIN 2590–AA67

Minority and Women Inclusion Amendments

AGENCY: Federal Housing Finance Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Housing Finance Agency (FHFA) is proposing to amend its regulation on minority and women inclusion by requiring the Federal Home Loan Banks (Banks), and the Office of Finance to include in the contents of their annual reports certain demographic information related to their boards of directors as well as a description of their related activities during the reporting year.

DATES: Written comments must be received on or before August 25, 2014.

ADDRESSES: You may submit your comments, identified by Regulatory Information Number (RIN) 2590–AA67, by any of the following methods:

- *Agency Web site: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by email to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the agency. Please include Comments/RIN 2590–AA67 in the subject line of the message.
- *Courier/Hand Delivery:* The hand delivery address is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA67, Federal Housing Finance Agency, 400 Seventh Street SW., Eighth Floor, Washington, DC 20024. Deliver the package to the Seventh Street entrance Guard Desk, First Floor, on business days between 9 a.m. to 5 p.m.
- *U.S. Mail, United Parcel Service, Federal Express or Other Mail Service:* The mailing address for comments is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA67, Federal Housing Finance Agency, 400 Seventh Street SW., Eighth Floor, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Nancy Burnett, Acting Associate Director, Office of Minority and Women Inclusion, (202) 649–3017; or Karen Lambert, Associate General Counsel, (202) 649–3094 (not toll-free numbers), Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024. The telephone number for the Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Comments

FHFA invites comments on all aspects of the proposed regulation, and will develop final regulations after taking all comments into consideration. Copies of all comments received will be posted without change on the FHFA Web site at *http://www.fhfa.gov,* and will include any personal information you provide, such as your name, address, email address, and telephone number. Copies of all comments received will be made available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, 400 Seventh Street SW., Eighth Floor, Washington, DC 20024. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 649–3804.

II. Background

Effective July 30, 2008, the Housing and Economic Recovery Act of 2008 (HERA), Public Law 110–289, amended the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 *et seq.*) (Safety and Soundness Act) to establish FHFA as an independent agency of the Federal government. HERA transferred the supervisory and oversight responsibilities of the Office of Federal Housing Enterprise Oversight over the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac) (collectively, Enterprises), and of the Federal Housing Finance Board over the Banks and the Bank System's Office of Finance to FHFA.[1] The Enterprises and the Banks are collectively referred to as the regulated entities.

The Safety and Soundness Act provides that FHFA is headed by a Director with general supervisory and regulatory authority over the regulated entities. FHFA is charged, among other things, with overseeing the prudential operations of the regulated entities. FHFA is also charged with ensuring that the regulated entities: operate in a safe and sound manner including maintenance of adequate capital and internal controls; foster liquid, efficient, competitive, and resilient national housing finance markets; comply with the Safety and Soundness Act, and the respective authorizing statutes of the regulated entities; and carry out their missions through activities authorized and consistent with the Safety and Soundness Act and their authorizing statutes; and, that the activities and operations of the regulated entities are consistent with the public interest.[2]

Section 1116 of HERA amended section 1319A of the Safety and Soundness Act, 12 U.S.C. 4520, to require, in part, that the regulated entities establish or designate an office to carry out the requirements of an Office of Minority and Women Inclusion (OMWI). That office is responsible for: all matters relating to diversity in the entity's management, employment, and business activities; the development and implementation of standards and procedures to promote diversity in all business and activities of the regulated entity; and the submission of an annual report to FHFA detailing the actions taken to promote diversity and inclusion. Furthermore, 12 U.S.C. 1833e, and Executive Order 11478, generally require FHFA and the regulated entities to promote equal opportunity in employment and contracting.

FHFA has adopted regulations to implement section 1116 of HERA, 12 U.S.C. 1833e, and Executive Order 11478, and to set forth the minimum requirements for the regulated entities' diversity programs and reporting requirements. Those regulations, which are located at 12 CFR part 1207, require each regulated entity and the Office of Finance to establish an OMWI office, or to designate another office, that would

[1] For Fannie Mae and Freddie Mac, the term ''regulated entity'' includes any affiliates thereof; for the Banks, the term ''regulated entity'' only includes the Banks. *See* 12 U.S.C. 4502(20).

[2] Section 1102 of HERA, 122 Stat. 2663 and 2664.

be responsible for fulfilling the entity's OMWI responsibilities under the statute and regulations. Each of these entities must implement policies and procedures to ensure, to the maximum extent possible in balance with financially safe and sound business practices, the inclusion and utilization of minorities, women, individuals with disabilities, and minority-, women-, and disabled-owned businesses in all business and activities and at all levels of the regulated entity and the Office of Finance, including in management, employment, procurement, insurance, and all types of contracts.[3] These policies also must encourage the consideration of diversity in nominating or soliciting nominees for positions on boards of directors and engage in recruiting and outreach directed at encouraging individuals who are minorities, women and individuals with disabilities to seek or apply for employment with the regulated entity or the Office of Finance.[4]

Part 1207 also requires each regulated entity and the Office of Finance to submit to the FHFA Director, on or before March 1 of each year, a detailed annual report summarizing its activities during the reporting year (January 1 through December 31 of the preceding year) to comply with the OMWI regulatory requirements.[5] To that end, each regulated entity and the Office of Finance is required to submit as part of its annual report the EEO–1 Employer Information Report (Form EEO–1 used by the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs to collect certain demographic information) or similar report.[6] The Form EEO–1 pertains only to broad occupational categories of employees such as executives/senior level officials, first/mid-level officials and managers, professionals, technicians, and other employee job categories, and those employees' gender, race, and ethnicity classifications.[7]

In addition, part 1207 provides that the FHFA Director has broad enforcement authority in that he or she may enforce this regulation and standards issued under it in any manner and through any means within his or her authority, including through identifying matters requiring attention, corrective action orders, directives, or enforcement actions under 12 U.S.C. 4513b and 4514.[8] To that end, the FHFA Director may conduct examinations of a regulated entity's or the Office of Finance's activities under and in compliance with this part pursuant to 12 U.S.C. 4517.[9]

The Bank System (System) was created by the Federal Home Loan Bank Act of 1932 (Bank Act) as another GSE to support mortgage lending and related community investment. It is composed of 12 Banks, Bank member financial institutions, and the System's fiscal agent, the Office of Finance. The Banks fulfill their statutory mission primarily through providing secured loans (advances) to their members.

Section 1202 of HERA altered the composition of the Banks' boards of directors by amending section 7 of the Bank Act (12 U.S.C. 1427) to require the management of each Bank to be vested in a board of 13 directors, or such other number as the Director determines appropriate, and that each board be comprised of both a majority of member directors and at least 40% of independent directors. Each member of the board of directors is elected by plurality vote of the members, in accordance with FHFA regulations. Previously, section 7 of the Bank Act required each Bank's board of directors to be comprised of 14 directors, 8 of whom were elected by members and 6 of whom were appointed by the former Federal Housing Finance Board.

The Office of Finance is a joint office of the Banks, the primary responsibility of which is to act as their agent in offerings, issuing, and servicing the consolidated obligations that are issued to fund the operations of the Banks. The Office of Finance also prepares the combined financial reports for the System, functions as its fiscal agent, and performs certain duties relating to the Financing Corporation and Resolution Funding Corporation, respectively.[10] The board of directors of the Office of Finance consists of 17 members, which includes the 12 Bank presidents, who serve *ex officio,* and five independent directors. The independent directors must each be a citizen of the United States, and not have any material relationship with a Bank or the Office of Finance. As a group, the independent directors must have substantial experience in financial and accounting matters.[11] The initial independent directors were appointed by FHFA, however, once their terms expire or positions otherwise become vacant, the succeeding independent directors must be elected by majority vote of the Office of Finance board of directors.[12]

III. Analysis of Proposed Rule

The current regulations require the regulated entities and the Office of Finance to have policies that, among other things, encourage the consideration of diversity in nominating or soliciting nominations for positions on the boards of directors. The regulations also require the annual OMWI report to include the institution's Form EEO–1 as well as the demographic information of those applying for employment, hired, separated, or promoted during the reporting year.

The proposed rule would revise the existing reporting requirements to require each Bank and the Office of Finance to include in the contents of its annual report data showing the demographic status of its respective board members, which is to be provided without any personally identifiable information. Such data would be obtained by each Bank and the Office of Finance through a request for information of its board members who could then voluntarily choose to self-identify using the same demographic classifications as those used for the Form EEO–1.

The current rule does not require the regulated entities and the Office of Finance to collect demographic data about the boards of directors. That is because the occupational or job categories included on the Form EEO–1 pertain only to employees and the members of the board of directors of each institution are not employees.

As conservator of Fannie Mae and Freddie Mac, FHFA is involved in the selection of their board members. At this time, FHFA does not believe that it is necessary to consider promulgating regulations pertaining to the Enterprises with respect to these requirements.

Requiring the Banks and the Office of Finance to report on the demographic profile of their boards of directors is a logical extension of the current regulation, which requires the development, implementation, and maintenance of policies and procedures for promoting board diversity. The aggregate demographic data related to the boards of directors of each Bank and the Office of Finance would establish a

[3] 12 CFR 1207.21(b).

[4] 12 CFR 1207.21(b)(5).

[5] 12 CFR 1207.23.

[6] 12 CFR 1207.23(b)(1).

[7] The race and ethnicity categories used on the Form EEO–1 are: Hispanic or Latino; White (Not Hispanic or Latino); Black or African American (Not Hispanic or Latino); Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino); Asian (Not Hispanic or Latino); American Indian or Alaska Native (Not Hispanic or Latino); Two or More Races (Not Hispanic or Latino).

[8] 12 CFR 1207.24.

[9] *Id.*

[10] 12 CFR 1273.3.

[11] 12 CFR 1273.7(a).

[12] 12 CFR 1273.7(d); *See* 75 FR 23152, 23163 (May 3, 2010).

baseline to analyze future trends, and could be used to assess the effectiveness of the strategies developed by the Banks and the Office of Finance related to promoting demographic board diversity.

In addition, the proposed rule will require the Banks and the Office of Finance to include in the contents of their annual reports a description of their outreach activities and strategies related to promoting demographic diversity in nominating or soliciting nominees for positions on boards of directors. By requiring the submission of this information, the proposed rule would better enable FHFA to determine the effectiveness of those policies and procedures in encouraging demographic diversity in the processes of nominating and soliciting nominees for positions on boards of directors. Currently, § 1207.22(c) requires each Bank and the Office of Finance to submit an annual report to FHFA on or before March 1 of each year, reporting on the period of January 1 through December 31 of the preceding year. The proposed amendment to § 1207.22(c) would require the board demographic data and description of outreach activities and strategies related to promoting the demographic diversity of board nominees to be included in the contents of the annual report submitted to FHFA beginning with the report required to be submitted by March 1, 2015.

Proposed § 1207.23(b)(9)(i) would require each Bank and the Office of Finance to include in the contents of its annual report the aggregate number of individuals on its board of directors by demographic classification. The proposed regulation would require each Bank and the Office of Finance to collect and report the data using the same classifications as those on the Form EEO–1. The directors of each Bank and the Office of Finance would be provided an opportunity to voluntarily self-identify their demographic classification without personally identifiable information.

In sending the request to each board member, FHFA expects the Banks and the Office of Finance to inform their board members about the voluntary nature of the data collection and of its intended uses and purposes. The Banks and the Office of Finance are expected to report aggregate results only of their respective data collections based on the board members' voluntary demographic self-identification.

Proposed § 1207.23(b)(9)(ii) would require the Banks and the Office of Finance to include in the contents of their annual reports a description of their outreach activities and related strategies executed during the preceding year to promote diversity in nominating or soliciting nominees for positions on their respective boards of directors.

The proposed amendment to re-designated § 1207.23(b)(10) would clarify that the Banks and the Office of Finance are to include in their annual report comparisons of the data required to be submitted by proposed paragraph (b)(9).

IV. Consideration of Differences Between the Banks and the Enterprises

Section 1313(f) of the Safety and Soundness Act, as amended by HERA, requires the Director, when promulgating regulations relating to the Banks, to consider the differences between the Banks and the Enterprises with respect to the Banks': Cooperative ownership structure; mission of providing liquidity to members; affordable housing and community development mission; capital structure; joint and several liability; and any other differences the Director considers appropriate. *See* 12 U.S.C. 4513(f). In preparing this proposed rule, the Director considered the differences between the Banks and the Enterprises as they relate to the above factors, and determined that the proposed rule does not implicate any of the above factors. Nevertheless, FHFA requests comments on whether these factors should result in a revision of the proposed amendment as it relates to the Banks.

V. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) requires that FHFA consider the impact of paperwork and other information collection burdens imposed on the public.[13] Under the PRA and the implementing regulations of the Office of Management and Budget (OMB), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid control number assigned by OMB.[14] This proposed rule contains a proposed new information collection requirement, which is described below. As required by the PRA, FHFA has submitted an analysis of the proposed collection of information contained in this proposed rule to OMB for review.[15]

Summary: Under proposed § 1207.23(b)(9)(i), each Bank and the Office of Finance would be required to request annually that each member of its board of directors provide, on a voluntary basis, self-identification of his or her demographic classification (using the same minority and gender classifications as those used on the Form EEO–1), without including personally identifiable information. Proposed § 1207.23(b)(9) and proposed § 1207.22(c) would require that each Bank and the Office of Finance submit the baseline board demographic information collected to FHFA as part of the annual report it is already required to submit under existing part 1207.

Use: FHFA would use the information collected under proposed § 1207.23(b)(9)(i) to assess the effectiveness of the policies and procedures that each Bank and the Office of Finance is required to implement to promote demographic diversity in all of its business and activities ''at all levels'' and, specifically, to encourage demographic diversity in the nomination and solicitation of nominees for members of its boards of directors. FHFA would also use the information to establish a baseline to analyze future trends related to the demographic diversity of the boards of directors of the Banks and the Office of Finance.

Respondents: Respondents would be the approximately 210 individuals serving on the boards of directors of the regulated entities and the Office of Finance in any given year.

Frequency: The information would be collected annually.

Annual Burden Estimate: FHFA estimates the total annualized hour burden for all respondents to the proposed information collection to be 21 hours. FHFA estimates that an average of 210 board directors will provide information annually and that each response will take approximately 0.1 hours on average (210 respondents × 0.1 hours per response = 21 hours). There will be no annualized cost to the Federal government.

Comment Request: FHFA will accept written comments concerning the accuracy of the burden estimates and suggestions for reducing the burden at the address listed above. Comments may also be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for Federal Housing Finance Agency, Room 10102, New Executive Office Building, 725 17th Street NW., Washington, DC 20503; Fax: (202) 395–6974; or Email: *OIRA_Submission@omb.eop.gov.*

Written comments are requested on: (1) Whether the proposed collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA estimates of the burdens of the collection of information; (3) ways to

[13] *See* 44 U.S.C. 3507(a) and (d).

[14] *See* 44 U.S.C. 3512(a); 5 CFR 1320.8(b)(3)(vi).

[15] *See* 44 U.S.C. 3507(d).

enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the proposed collection of information on board respondents, including through the use of automated collection techniques or other forms of information technology.

Individuals and organizations may send comments on the proposed information collection requirement by August 25, 2014.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that a regulation that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations must include an initial regulatory flexibility analysis describing the regulation's impact on small entities. Such an analysis need not be undertaken if the agency has certified that the regulation will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). FHFA has considered the impact of the proposed rule under the Regulatory Flexibility Act.

The General Counsel of FHFA certifies that the proposed rule, if adopted as a final rule, is not likely to have a significant economic impact on a substantial number of small entities because the regulation is applicable only to the regulated entities and the Office of Finance, which are not small entities for purposes of the Regulatory Flexibility Act.

List of Subjects in 12 CFR Part 1207

Discrimination, Diversity, Equal employment opportunity, Government contracts, Minority businesses, Office of Finance, Outreach, Regulated entities.

Authority and Issuance

For the reasons stated in the **SUPPLEMENTARY INFORMATION**, and under the authority of 12 U.S.C. 4526, FHFA proposes to amend Subpart C of part 1207 of title 12 of the Code of Federal Regulations as follows:

PART 1207—MINORITY AND WOMEN INCLUSION

■ 1. The authority citation for part 1207 continues to read as follows:

Authority: 12 U.S.C. 4520 and 4526; 12 U.S.C. 1833e; E.O. 11478.

Subpart C—Minority and Women Inclusion and Diversity at Regulated Entities and the Office of Finance

■ 2. Amend § 1207.22 by adding a new sentence at the end of paragraph (c) to read as follows:

§ 1207.22 Regulated entity and Office of Finance reports.

* * * * *

(c) * * * The data required to be reported by § 1207.23(b)(9) herein shall be included in each annual report beginning with the report required by March 1, 2015.

* * * * *

■ 3. Amend § 1207.23 as follows:

■ a. Redesignate paragraphs (b)(9) through (19) as paragraphs (b)(10) through (20); and

■ b. Add new paragraph (b)(9) and amend newly redesignated paragraph (b)(10) to read as follows:

§ 1207.23 Annual reports—format and contents.

* * * * *

(b) * * *

(9)(i) Data showing for the reporting year by minority and gender classification, the number of individuals on the board of directors of each Bank and the Office of Finance—

(A) Using data collected by each Bank and the Office of Finance through an information collection requesting each director's voluntary self-identification of his or her minority and gender classification without personally identifiable information;

(B) Using the same classifications as those on the Form EEO–1; and

(ii) A description of the outreach activities and strategies executed during the preceding year to promote diversity in nominating or soliciting nominees for positions on boards of directors of the Banks and the Office of Finance;

(10) A comparison of the data reported by Fannie Mae and Freddie Mac under paragraphs (b)(1) through (8) of this section, and by the Banks and the Office of Finance under paragraphs (b)(1) through (9) of this section, to such data as reported in the previous year together with a narrative analysis;

* * * * *

Dated: June 12, 2014.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2014–14512 Filed 6–24–14; 8:45 am]

BILLING CODE 8070–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AG59

Advisory Small Business Size Decisions

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: This rule proposes to implement provisions of the National Defense Authorization Act of 2013 (NDAA) pertaining to small business size. Specifically, the rule proposes to amend the Small Business Administration's (SBA or Agency) program regulations to implement statutory provisions establishing a safe harbor from fraud penalties for individuals or firms that misrepresent business concerns as being small for purposes of Federal procurement opportunities if they acted in good faith reliance upon small business status advisory opinions received from Small Business Development Centers (SBDCs) or Procurement Technical Assistance Centers (PTACs). The rule also proposes to amend SBA's regulations to establish the criteria small business status advisory opinions must meet in order to be deemed adequate and specify the review process for such opinions. Finally, the proposed rule would amend SBA's regulations to update the circumstances under which SBA may initiate a formal size determination.

DATES: Comments must be received on or before August 25, 2014.

ADDRESSES: You may submit comments, identified by RIN: 3245–AG59, [Docket Number: SBA–2014–0007] by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail or Hand Delivery/Courier: Dean R. Koppel, Assistant Director, Office of Policy and Research, Office of Government Contracting, U.S. Small Business Administration, 409 3rd Street SW., 8th Floor, Washington, DC 20416.

All comments will be posted on *www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *www.regulations.gov,* please submit the information to Dean R. Koppel, Assistant Director, Office of Policy and Research, Office of Government Contracting, U.S. Small Business Administration, 409 3rd Street SW., 8th floor, Washington, DC 20416, or send an email to *dean.koppel@sba.gov.* Highlight the information that you consider to be CBI and explain why

you believe SBA should hold this information as confidential. SBA will review the information and make the final determination whether it will make the information public.

FOR FURTHER INFORMATION CONTACT: Dean R. Koppel, Assistant Director, Office of Policy and Research, Office of Government Contracting, U.S. Small Business Administration, 409 3rd Street SW., 8th Floor, Washington, DC 20416; (202) 205–7322; *dean.koppel@sba.gov.*

SUPPLEMENTARY INFORMATION: On January 2, 2013, Congress amended the Small Business Act to provide that the penalties created under 15 U.S.C. 645(a) for misrepresentation of a firm as a small business concern do not apply to individuals or firms that act in good faith reliance upon small business status advisory opinions they receive from SBDCs or PTACs. Additionally, the Small Business Act was amended to give responsibility for reviewing, accepting, or rejecting these small business status advisory opinions to SBA's Office of General Counsel. Finally, the Small Business Act was further amended to require that SBA promulgate regulations to implement this safe harbor provision no later than 270 days after the date of passage of the statutory amendment.

This rule proposes to make a number of changes to SBA's size regulations. Some of the changes involve technical issues. Other changes are more substantive and result from SBA's experience in implementing the current regulations.

The following three specific changes are being proposed to SBA's size regulations.

Exemption From Penalties for Misrepresentation of Size Status

Section 1681 of the NDAA requires that SBA create an exemption to the penalties imposed under 15 U.S.C. 645(a) for misrepresentation of small business status in cases where the person or concern making the misrepresentation acted in good faith reliance on a written advisory opinion from an SBDC or PTAC. SBA's first proposed change is to implement the statutory requirement at section 1681 of the NDAA by changing SBA's small business size regulations.

Small Business Status Advisory Opinions

The second proposed change to the small business size rules is to define what constitutes an adequate small business status advisory opinion.

Circumstances in Which SBA May Request a Formal Size Determination

The third proposed change to the size rules pertains to the circumstances under which SBA officials may request formal size determinations. Current § 121.1001(b)(9) references the Central Contractor Registry, a procurement related federal government database that has been replaced by the System for Award Management. The proposed change clarifies the stated purpose of this provision and updates it to refer to the System for Award Management.

Compliance With Executive Orders 12866, 12988, 13175, and 13132, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Paperwork Reduction Act (44 U.S.C., Ch. 35).

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this proposed rule does not constitute a significant regulatory action under Executive Order 12866, and as a result a regulatory impact analysis is not required.

Executive Order 12988

This action meets applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

For purposes of Executive Order 13132, SBA has determined that this proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, for the purpose of Executive Order 13132, Federalism, SBA determines that this proposed rule has no federalism implications warranting preparation of federal assessment.

Executive Order 13175

For purposes of Executive Order 12175, SBA has determined that this proposed rule will not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Therefore, for the purpose of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, SBA determines that this proposed rule does not require consultations with tribal officials or warrant the publication of a Tribal Summary Impact Statement.

Executive Order 13563

As part of its ongoing efforts to engage stakeholders in the development of its regulations, SBA consulted with representatives from both industry and the general public to review the intent of the proposed rule and various components related to it. No concerns were raised during those calls and no comments were raised that needed to be addressed in this proposed rule.

Initial Regulatory Flexibility Analysis, 5 U.S.C. 601–612

This rule, if finalized, may have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612. In accordance with 5 U.S.C. 603(b), SBA sets forth an initial regulatory flexibility analysis (IRFA) of this proposed rule addressing the following topics: (1) The legal basis, need for, and objective of the rule; (2) a description and estimate of the number of small entities to which the rule will apply; (3) the projected reporting, record keeping, and other compliance requirements of the rule; (4) the relevant Federal rules which may duplicate, overlap or conflict with the rule; and (5) any significant alternatives that would allow the Agency to accomplish its regulatory objectives while minimizing the impact on small entities.

1. *What is the legal basis, need for, and objective of the rule?* Pursuant to section 1681 of Public Law 112–239, SBA is statutorily required to publish a regulation granting an exemption from the misrepresentation penalties imposed under 15 U.S.C. 645(a) in cases where a party's erroneous claim to small business status stems from its good faith reliance upon an advisory opinion issued by an SBDC or PTAC. SBA is also obligated under section 1681 to define via regulation what constitutes an adequate advisory opinion and to review and accept or reject all advisory opinions issued by SBDCs and PTACs. In addition to giving effect to these statutory mandates, the proposed rule also establishes the procedures and timeline by which SBA will review advisory opinions.

2. *What is SBA's description and estimate of the number of small entities to which the rule will apply?* Because SBA's programs do not apply to small governmental jurisdictions or small organizations, only small businesses will be affected by this proposed rule.

Additionally, the proposed rule will not apply to all small businesses generally, but only to those firms that represent themselves as being small for purposes of federal procurement opportunities.

The safe harbor provision of the proposed rule will only affect those firms that incorrectly claim status as small business concerns after obtaining small business status advisory opinions from SBDCs or PTACs. In Fiscal Year 2010, SBA determined that approximately 150 firms that had represented themselves as being small for purposes of federal procurement opportunities were not small. Most of these cases did not involve fraud, but instead were the result of errors or misunderstandings of the size regulations. To date, SBA is unaware of any firms being penalized under 15 U.S.C. 645(a) for fraudulently misrepresenting themselves as small business concerns. Therefore, SBA anticipates that the safe harbor provision of the proposed rule will impact very few concerns.

With regard to the small business status advisory opinion provision of the proposed rule, SBA notes that neither SBDCs nor PTACs are required to provide such opinions under the language of the statute. It is currently unknown how many SBDCs and PTACs will elect to provide such services, particularly given that no additional funding will be awarded to them to cover the cost of these services. Moreover, it is unclear how much demand there will be for such services from those SBDCs and PTACs that offer them. While it is thus impossible to gauge the number of small businesses that will obtain these services, SBA anticipates that very few concerns will be affected by the small business status advisory opinion provision of the proposed rule.

3. *What are the projected reporting, record keeping, and other compliance requirements of the rule and an estimate of the classes of small entities which will be subject to the requirements?* There would be no additional reporting or recordkeeping requirements imposed by the rule, but there would be certain minor compliance requirements. Businesses that believe themselves to be small and that wish to receive advisory opinions to that effect from SBDCs or PTACs would be required to provide information documenting the basis for that belief to SBDCs or PTACs and attest to its accuracy.

4. *What are the relevant Federal rules which may duplicate, overlap or conflict with the rule?* The Federal Acquisition Regulation (FAR) defers to and incorporates the substance of the provisions set forth in SBA's regulations for issues pertaining to business size. To the extent the FAR is inconsistent with size rules implemented by SBA, the FAR would need to be changed to be consistent.

5. *Are there any significant alternatives that would allow the Agency to accomplish its regulatory objectives while minimizing the impact on small entities?* SBA has considered a number of alternatives to the proposed rule. One alternative SBA has considered would have permitted firms to simply self-certify to SBDCs or PTACs that they are small. Another alternative SBA considered would have had the General Counsel review the SBDC or PTAC advisory opinions rather than the Associate General Counsel, Office of Procurement Law. SBA has not proposed the first alternative because it would render any advisory opinion pro forma and would not provide the Agency with any basis for accepting or rejecting the opinion. With regard to the second alternative, SBA did not propose it given the substantial time demands already placed upon the General Counsel. SBA believes that delegating this responsibility to the Associate General Counsel, Office of Procurement Law would permit the Agency to provide a quicker turnaround time for reviewing advisory opinions and would take advantage of the established subject matter expertise of that official. SBA is very interested in comments from the public on these issues.

Paperwork Reduction Act, 44 U.S.C. Ch. 35

SBA has determined that this proposed rule imposes no additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C., Chapter 35.

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth in the preamble, SBA proposes to amend 13 CFR part 121 as follows:

PART 121—SMALL BUSINESS SIZE REGULATIONS

■ 1. The authority citation for part 121 is revised to read as follows:

Authority: 15 U.S.C. 632, 634(b)(6), 636(b), 637(a), 644 and 662(5); and Pub. L. 105–135, sec. 401 et seq., 111 Stat. 2592.

■ 2. Amend § 121.108 by revising the section heading and adding paragraph (e)(4) to read as follows:

§ 121.108 What are the penalties for misrepresentation of size status?

* * * * *

(e) * * *

(4) *Limitation of Liability.* An individual or business concern will not be subject to the penalties imposed under 15 U.S.C. 645(a) where it acted in good faith reliance on a small business status advisory opinion accepted by SBA under § 121.109.

§ 121.109 [Redesignated as § 121.110]

■ 3. Redesignate § 121.109 as § 121.110.

■ 4. Add new § 121.109 to read as follows:

§ 121.109 What is a small business status advisory opinion?

(a) *Defined.* A small business status advisory opinion is a written opinion issued by either a Small Business Development Center (SBDC) operating under part 130 of this chapter or a Procurement Technical Assistance Center (PTAC) operating under 10 U.S.C. Chapter 142 which concludes that a firm is entitled to represent itself as a small business concern for purposes of federal government procurement opportunities.

(b) *Submission.* An SBDC or PTAC must submit a copy of each small business status advisory opinion it issues to the following Agency official for review: Associate General Counsel, Office of Procurement Law, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416 or by fax to (202) 205–6390 marked Attn: Small Business Status Advisory Opinion. A small business status advisory opinion must:

(1) Include the name, address, Employer Identification Number or Dun & Bradstreet Number, and one or more principals of the covered concern.

(2) Identify the individual NAICS code(s) and accompanying size standard(s) to which the advisory opinion applies.

(3) A determination that the covered concern does not exceed the size standard(s) dated and signed by a counselor or similarly qualified employee of an SBDC or PTAC.

(4) Include, as an attachment, copies of the evidence provided by the covered concern to the SBDC or PTAC clearly documenting its annual receipts and/or number of employees as those terms are defined by §§ 121.104 and 121.106.

(5) Include, as an attachment, a written statement signed by at least one principal of the concern affirming that all the information provided to the SBDC or PTAC for the purpose of obtaining the small business status advisory opinion is, to the best of his/

her knowledge, true, accurate, and complete.

(c) *Review.* Unless a referral is made under paragraph (e) of this section, SBA will decide within 10 business days of receiving a small business status advisory opinion to accept or reject it based on its consistency with this part. SBA will provide written notification of that decision to the SBDC or PTAC that issued the small business status advisory opinion as well as to the covered concern.

(d) *Reliance.* A concern that receives a small business status advisory opinion holding that it does not exceed the applicable size standard(s) may rely upon that determination for purposes of responding to federal procurement opportunities from the date it is issued unless and until that advisory opinion is rejected by SBA in accordance with paragraph (c) of this section or § 121.1009.

(e) *Referral for Size Determination.* Nothing in this section precludes SBA from requesting a formal size determination for a concern that is the subject of a small business status advisory opinion pursuant to § 121.1001(b)(9).

■ 5. Amend § 121.1001 by revising paragraph (b)(9) to read as follows:

§ 121.1001 Who may initiate a size protest or request a formal size determination?

* * * * *

(b) * * *

(9) For other purposes related to protecting the integrity of the Federal procurement process, including validating that firms listed in the System for Award Management database are small and firms can rely upon advisory size status opinions, the Government Contracting Area Director or the Director, Office of Government Contracting may initiate a formal size determination when sufficient information exists that calls into question a firm's small business status. The current date will be used to determine size, and SBA will initiate the process to remove from the database the small business designation of any firm found to be other than small.

* * * * *

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2014–14337 Filed 6–24–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0343; Directorate Identifier 2014–NM–077–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 747–8 and 747–8F series airplanes. This proposed AD was prompted by an analysis by the manufacturer, which revealed that certain fuse pins for the strut-to-wing attachment of the outboard aft upper spar are susceptible to migration in the event of a failed fuse pin through bolt. This proposed AD would require replacing the fuse pins for the strut-to-wing attachment of the outboard aft upper spar with new fuse pins, and replacing the access cover assemblies with new access cover assemblies. We are proposing this AD to prevent migration of these fuse pins, which could result in the complete disconnect and loss of the strut-to-wing attachment load path for the outboard aft upper spar. The complete loss of an outboard aft upper spar strut-to-wing attachment load path could result in divergent flutter in certain parts of the flight envelope, which could result in loss of control of the airplane.

DATES: We must receive comments on this proposed AD by August 11, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA 98057–3356. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0343; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Narinder Luthra, Aerospace Engineer, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6513; fax: 425–917–6590; email: *narinder.luthra@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0343; Directorate Identifier 2014–NM–077–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

An analysis by Boeing revealed that the fuse pins for the strut-to-wing attachment of the outboard aft upper spar on struts Nos. 1 and 4 are susceptible to migration in the event of a failed fuse pin through bolt. To prevent these fuse pins from migrating

outboard, the design of the fuse pins was changed to add a flange. The design of the outboard fuse pin access cover assemblies was also changed by adding interference ribs so a fuse pin can be installed only with the flanged end of the fuse pin on the inboard side of the outboard aft upper spar fitting. Migration of the fuse pins for the strut-to-wing attachment of the outboard aft upper spar on struts Nos. 1 and 4 could result in the complete disconnect and loss of the strut-to-wing attachment load path for the outboard aft upper spar. The complete loss of the No. 1 or No. 4 outboard aft upper spar strut-to-wing attachment load path could result in divergent flutter in certain parts of the flight envelope, which could result in loss of control of the airplane.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin 747–54A2238, dated January 31, 2014. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0343.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously.

Explanation of "RC" Steps in Service Information

The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation Rulemaking Committee, to enhance the AD system. One enhancement was a new process for annotating which steps in the service information are required for compliance with an AD. Differentiating these steps from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD requirements and help provide consistent judgment in AD compliance. The actions specified in the service information described previously include steps that are labeled as RC because these steps have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

As noted in the specified service information, steps labeled as RC must be done to comply with the proposed AD. However, steps that are not labeled as RC are recommended. Those steps that are not labeled as RC may be deviated from, done as part of other actions, or done using accepted methods different from those identified in the service information without obtaining approval of an alternative method of compliance (AMOC), provided the steps labeled as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to steps labeled as RC will require approval of an alternative method of compliance.

Costs of Compliance

We estimate that this proposed AD affects 5 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement	97 work-hours × $85 per hour = $8,245	$31,076	$39,321	$196,605

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a "significant regulatory action" under Executive Order 12866,

(2) Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

The Boeing Company: Docket No. FAA–2014–0343; Directorate Identifier 2014–NM–077–AD.

(a) Comments Due Date

We must receive comments by August 11, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 747–8 and 747–8F series airplanes; certificated in any category; having a Variable Number identified in paragraph 1.A., ''Effectivity,'' of Boeing Alert Service Bulletin 747–54A2238, dated January 31, 2014; and Variable Number RC573.

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/Pylons.

(e) Unsafe Condition

This AD was prompted by an analysis by the manufacturer, which revealed that the fuse pins for the strut-to-wing attachment of the outboard aft upper spar on struts Nos. 1 and 4 are susceptible to migration in the event of a failed fuse pin through bolt. We are issuing this AD to prevent migration of the fuse pins for the strut-to-wing attachment of the outboard aft upper spar on struts Nos. 1 and 4, which could result in the complete disconnect and loss of the strut-to-wing attachment load path for the outboard aft upper spar. The complete loss of the No. 1 or No. 4 outboard aft upper spar strut-to-wing attachment load path could result in divergent flutter in certain parts of the flight envelope, which could result in loss of control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Replacement of Fuse Pins and Access Cover Assemblies

Within 48 months after the effective date of this AD: Replace the fuse pins for the outboard aft upper spar and the access cover assemblies on struts Nos. 1 and 4, with new fuse pins and access cover assemblies, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2238, dated January 31, 2014.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (i)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) If the service information contains steps that are labeled as RC (Required for Compliance), those steps must be done to comply with this AD; any steps that are not labeled as RC are recommended. Those steps that are not labeled as RC may be deviated from, done as part of other actions, or done using accepted methods different from those identified in the specified service information without obtaining approval of an AMOC, provided the steps labeled as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to steps labeled as RC require approval of an AMOC.

(i) Related Information

(1) For more information about this AD, contact Narinder Luthra, Aerospace Engineer, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6513; fax: 425–917–6590; email: *narinder.luthra@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA 98057–3356. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on June 17, 2014.

Michael J. Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–14814 Filed 6–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0342; Directorate Identifier 2014–NM–007–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 747–400, 747–400D, 747–400F, 747–8F, and 747–8 series airplanes. This proposed AD was prompted by reports of very high temperatures, up to 67 degrees Celsius (152 degrees Fahrenheit), near the floor in the aft lower lobe cargo compartment. This proposed AD would require installing an additional zone temperature sensor (ZTS) in the aft cargo compartment. For certain airplanes, the proposed AD would first require installing tape and replacing the markers in the bulk cargo compartment, unless terminated by the early installation of the ZTS. We are proposing this AD to prevent overheating of the aft lower lobe cargo compartment, where, if temperature sensitive cargo is present, the release of flammable vapors could result in a fire or explosion if exposed to an ignition source.

DATES: We must receive comments on this proposed AD by August 11, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0342; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the

ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Susan Monroe, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, 1601 Lind Avenue SW., Renton, WA; phone: 425–917–6457; fax: 425–917–6590; email: *susan.l.monroe@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0342; Directorate Identifier 2014–NM–007–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We received reports of very high temperatures—up to 67 degrees Celsius (152 degrees Fahrenheit)—near the floor in the aft lower lobe cargo compartment. The operator noted that loose cargo blocked the cover plate for the bulk cargo ZTS. The aft cargo heat system is controlled by three temperature switches (two control switches and one overheat switch) located in the bulk cargo ZTS assembly. When the air inlet to this assembly becomes blocked by loaded or shifted cargo, the temperature switches fail to receive an adequate sample of compartment air. Under these conditions, the switches will not command the system valves properly, and the switches may fail to shut off the flow of hot air to the lower lobe cargo compartment, causing compartment temperatures to rise beyond 60 degrees Celsius (140 degrees Fahrenheit). This condition, if not corrected, could result in overheating of the aft lower lobe cargo compartment, where, if temperature sensitive cargo is present, the release of flammable vapors could result in a fire or explosion if exposed to an ignition source.

Relevant Service Information

We reviewed Boeing Special Attention Service Bulletins 747–21–2544, Revision 1, dated September 30, 2013, and 747–21–2550, dated December 6, 2013. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2014–0342.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information identified previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.''

Differences Between This Proposed AD and the Service Information

Although Boeing Special Attention Service Bulletin 747–21–2550, dated December 6, 2013, specifies Boeing Service Bulletin 747–21–2367 as a concurrent service bulletin for certain airplanes, this proposed AD would not include that requirement. This difference has been coordinated with Boeing.

Certain airplane variable numbers are not identified in Boeing Special Attention Service Bulletins 747–21–2544, Revision 1, dated September 30, 2013, and 747–21–2550, dated December 6, 2013. These variable numbers are affected by the identified unsafe condition, therefore, this proposed AD would require that the actions specified in paragraphs (g) and (h) of this AD, as applicable, be completed on these variable numbers. This difference has been coordinated with Boeing.

Costs of Compliance

We estimate that this proposed AD affects 130 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Install zone temperature sensor	91 work-hours × $85 per hour = $7,735	$7,545	$15,280	$1,986,400

We estimate the following costs to do the optional actions specified in this proposed AD.

OPTIONAL COSTS

Action	Labor cost	Parts cost	Cost per product
Install tape and markers	1 work-hour × $85 per hour = $85	$33	$118

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

The Boeing Company: Docket No. FAA–2014–0342; Directorate Identifier 2014–NM–007–AD.

(a) Comments Due Date

We must receive comments by August 11, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 747–400, 747–400D, 747–400F, 747–8F, and 747–8 series airplanes; certificated in any category; as identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Airplanes identified in Boeing Special Attention Service Bulletin 747–21–2550, dated December 6, 2013.

(2) Airplanes identified in paragraph (h)(2) of this AD.

(d) Subject

Air Transport Association (ATA) of America Code 21, Air conditioning.

(e) Unsafe Condition

This AD was prompted by reports of very high temperatures, up to 67 degrees Celsius (152 degrees Fahrenheit), near the floor in the aft lower lobe cargo compartment. We are issuing this AD to prevent overheating of the aft lower lobe cargo compartment, where, if temperature sensitive cargo is present, the release of flammable vapors could result in a fire or explosion if exposed to an ignition source.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Installation for Certain Airplanes (Interim Action)

Within 12 months after the effective date of this AD, remove the existing markers and install tape and new markers in the bulk cargo compartment, as specified in paragraph (g)(1) or (g)(2) of this AD, as applicable. Accomplishing the actions specified in paragraph (h) of this AD within 12 months after the effective date of this AD terminates the requirements of this paragraph.

(1) For airplanes identified in paragraphs (g)(1)(i), (g)(1)(ii), and (g)(1)(iii) of this AD, do the actions in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–21–2544, Revision 1, dated September 30, 2013.

(i) Airplanes identified in Boeing Special Attention Service Bulletin 747–21–2544, Revision 1, dated September 30, 2013.

(ii) For airplanes having variable numbers RC508 through RC509; RC520 through RC522; RC524 through RC525; RC547; RC 553 through RC554; RC571 through RC572; RC581 through RC582; and RC604: Do the applicable actions for Model 747–8F airplanes identified as Group 1 in Boeing Special Attention Service Bulletin 747–21–2544, Revision 1, dated September 30, 2013.

(iii) For airplanes having variable numbers RC026 through RC030: Do the applicable actions for Model 747–8 airplanes identified as Group 2 in Boeing Special Attention Service Bulletin 747–21–2544, Revision 1, dated September 30, 2013.

(2) For airplanes having variable numbers identified in paragraphs (g)(2)(i) and (g)(2)(ii) of this AD, do the actions using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Model 747–8F airplanes, variable numbers RC501, RC507, and RC580.

(ii) Model 747–8 airplanes, variable numbers RC001, RC007, and RC008.

(h) Installation for All Airplanes (Terminating Action)

Within 60 months after the effective date of this AD, install an additional zone temperature sensor in the aft cargo compartment, as specified in paragraph (h)(1) or (h)(2) of this AD, as applicable. Doing this action within 12 months after the effective date of this AD terminates the requirements of paragraph (g) of this AD.

(1) For airplanes identified in Boeing Special Attention Service Bulletin 747–21–2550, dated December 6, 2013: Do the actions in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747-21-2550, dated December 6, 2013.

(2) For airplanes having variable numbers RC021 and RC573: Do the actions using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Special Attention Service Bulletin 747–21–2544, dated January 15, 2013.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (k)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(k) Related Information

(1) For more information about this AD, contact Susan Monroe, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, 1601 Lind Avenue SW., Renton, WA; phone: 425–917–6457; fax: 425–917–6590; email: *susan.l.monroe@faa.gov*.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on June 17, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–14813 Filed 6–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 130710606–4491–01]

RIN 0648–BD48

Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Gulf of Alaska Non-Pollock Trawl Fisheries; Amendment 97

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 97 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). If approved, Amendment 97 would limit Chinook salmon prohibited species catch (PSC) in Western and Central Gulf of Alaska (GOA) non-pollock trawl catcher/processor (C/P) and catcher vessel (CV) fisheries. This action would establish separate annual Chinook salmon PSC limits for trawl catcher/processors (Trawl C/P Sector), trawl catcher vessels participating in the Central GOA Rockfish Program (Rockfish Program CV Sector), and trawl catcher vessels not participating in the Central GOA Rockfish Program (Non-Rockfish Program CV Sector) fishing for groundfish species other than pollock. If a sector reaches its Chinook salmon PSC limit, NMFS would prohibit further fishing for non-pollock groundfish by vessels in that sector. This action also would establish and clarify Chinook salmon retention and discard requirements for vessels, shoreside processors, and stationary floating processors participating in both the GOA pollock and non-pollock groundfish trawl fisheries. This action is necessary to minimize the catch of Chinook salmon to the extent practicable in the GOA non-pollock trawl fisheries. Amendment 97 is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the FMP, and other applicable laws.

DATES: Submit comments on or before July 25, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2013–0077, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0077,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (collectively, Analysis) prepared for this action are available from *http://www.regulations.gov* or from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov.* An electronic copy of the Biological Opinion on the effects of the Alaska groundfish fisheries on Endangered Species Act (ESA)-listed species is available at *http://alaskafisheries.noaa.gov/protectedresources/stellers/plb/default.htm.* Written comments regarding the approved collection-of-information requirements referenced in this proposed rule may be submitted to NMFS at the above address and by email to *OIRA_Submission@omb.eop.gov* or fax to 202–395–7285. All currently approved NOAA collections of information may be viewed at *http://www.cio.noaa.gov/services_programs/prasubs.html.*

FOR FURTHER INFORMATION CONTACT: Jeff Hartman, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the U.S. exclusive economic zone (EEZ) of the GOA under the FMP. The North Pacific Fishery Management Council (Council) prepared, and NMFS approved, the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600 and 679.

The Council has submitted Amendment 97 for review by the Secretary of Commerce, and a notice of availability of the FMP amendment was published in the **Federal Register** on June 5, 2014 (79 FR 32525), with written comments on the FMP amendment invited through August 4, 2014. All relevant written comments received by the end of the applicable comment period, whether specifically directed to the FMP amendment, this proposed rule, or both, will be considered in the approval/disapproval decision for Amendment 97 and addressed in the response to comments in the final decision.

The following sections of the preamble describe: (1) General management of groundfish and PSC in the GOA; (2) the management areas and groundfish fisheries affected by this proposed action—the non-pollock trawl fisheries in the Central and Western GOA; (3) the non-pollock trawl fisheries in the Central and Western GOA and the three sectors active in those fisheries—the Trawl C/P, Rockfish Program CV, and Non-Rockfish Program CV Sectors; (4) Chinook salmon PSC use in the non-pollock trawl fisheries; (5) the history and goals of this proposed rule—limiting Chinook salmon PSC in the

non-pollock trawl fisheries in the Central and Western GOA; and (6) provisions of the proposed action that would establish limits on the maximum amount of Chinook salmon PSC permitted to be taken on an annual basis by the Trawl C/P, Rockfish Program CV, and Non-Rockfish Program CV Sectors and requirements necessary to account for and adequately sample Chinook salmon PSC.

General Management of Groundfish and PSC Limits in the GOA

The FMP and its implementing regulations at § 679.20(c) require that the Council recommend and NMFS specify an overfishing level (OFL), an acceptable biological catch (ABC), and a total allowable catch (TAC) for each stock or stock complex (i.e., each species or species group) of groundfish on an annual basis. The OFL is the level above which overfishing is occurring for a species or species group. The ABC is the level of a species or species group's annual catch that accounts for the scientific uncertainty in the estimate of OFL and any other scientific uncertainty. The ABC is set below the OFL. The TAC is the annual catch target for a species or species group, derived from the ABC by considering social and economic factors and management uncertainty. The TAC must be set lower than or equal to the ABC.

The OFLs, ABCs, and TACs for GOA groundfish are specified through the annual harvest specification process. A detailed description of the annual harvest specification process is provided in the final 2014 and 2015 harvest specifications for groundfish of the GOA (79 FR 12890, March 6, 2014) and is briefly summarized here. The Council's Scientific and Statistical Committee (SSC) establishes the OFL and ABC for each species or species group. Based on the ABC established for each species or species group, the Council recommends a TAC. The TAC for some species and species groups are subject to further allocation on a seasonal basis and allocation among vessels using specific types of gear and vessel categories in the GOA (see regulations at § 679.20(a)).

To ensure that OFLs, ABCs, and TACs are not exceeded, NMFS requires that vessel operators participating in groundfish fisheries in the GOA comply with a range of monitoring requirements and restrictions. NMFS uses a range of area, time, gear, and operation-specific fishery closures to maintain catch within specified TACs and associated sector and seasonal allocations. NMFS closes directed fisheries when a TAC is reached, and restricts fishing in other fisheries that may incidentally take a species or species group approaching its OFL. Regulations at §§ 679.20(d)(1), (d)(2), and (d)(3) describe the range of management measures that NMFS uses to maintain total catch at or below the OFL, ABC, and TAC for a species or species group.

In addition to these measures to limit total catch of groundfish species, the Council and NMFS have adopted various measures intended to control the catch of species taken incidentally in groundfish fisheries. Certain species are designated as ''prohibited species catch'' (PSC) in the FMP because they are the target of other, fully utilized domestic fisheries. The FMP and regulations at § 679.21 require that catch of PSC must be avoided while fishing for groundfish, and when incidentally caught, these PSC species must be immediately returned to the sea with a minimum of injury. The PSC species include Pacific halibut, Pacific herring, Pacific salmon, steelhead trout, king crab, and Tanner crab.

PSC must not be sold or kept for personal use and are required to be discarded (see regulations at § 679.21), or retained but not sold under the Prohibited Species Donation (PSD) Program (see regulations at § 679.26). In an effort to minimize waste of salmon incidentally caught and killed, NMFS established the PSD Program for the donation of incidentally caught salmon. The PSD Program reduces the amount of edible protein discarded under PSC regulatory requirements (see regulations at § 679.21). The PSD Program allows permitted participants to retain salmon for distribution to economically disadvantaged individuals through tax-exempt hunger relief organizations.

The Council has recommended, and NMFS has implemented, measures to (1) close groundfish fishing in areas with a high occurrence of prohibited species, or where there is a relatively high level of PSC; (2) require the use of gear specifically modified to minimize PSC; and (3) establish PSC limits in specific Alaska groundfish fisheries in the GOA.

One of the prohibited species of greatest concern to the Council and NMFS is Chinook salmon. Chinook salmon is a prohibited species in the groundfish fisheries because of its value in salmon fisheries. Chinook salmon is a culturally and economically valuable species that is fully allocated and for which State and Federal managers seek to conservatively manage harvests. The Council and NMFS have established a range of management measures to constrain the impact of groundfish fisheries in the Bering Sea/Aleutian Islands Management Area (BSAI) and the GOA on Chinook salmon. A summary of these measures for the GOA is provided in Section 1.5 of the Analysis.

Management Areas and Fisheries Affected by This Proposed Action

This proposed rule would apply to Federally-permitted vessels fishing in the Central and Western Reporting Areas of the GOA (referred to in the remainder of the preamble as either the Western and Central GOA or the Central and Western GOA). The Western and Central Reporting Areas, defined at § 679.2 and shown in Figure 3 to 50 CFR part 679, consist of the Central and Western Regulatory Areas in the EEZ (Statistical Areas 610, 620, and 630) and the adjacent State of Alaska (State) waters. The EEZ includes Federal waters that generally occur from 3 nautical miles (nm) to 200 nm from shore. State waters generally occur from shore to 3 nm from shore. The specific boundaries between State and Federal waters are provided on the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov/maps/reporting_areas/index.pdf.*

This proposed rule would not apply to Federally-permitted vessels fishing in the Eastern Reporting Area of the GOA, which consists of Statistical Areas 640, 649, 650, and 659 in the EEZ and the adjacent State waters. Although all species of Pacific salmon are taken incidentally in the groundfish fisheries within the GOA, the Eastern Reporting Area is not included because it contains a large area (Statistical Area 650) closed to fishing with trawl gear, and Chinook salmon PSC in the Eastern Reporting Area accounts for less than 2 percent of total GOA Chinook salmon PSC (see Section 1.2 of the Analysis for additional detail).

This proposed rule would apply Chinook salmon PSC limits to owners and operators of trawl vessels that are directed fishing for groundfish species other than pollock (non-pollock trawl vessels) in the Central and Western GOA. Directed fishing is defined at § 679.2. Vessels that are directed fishing for pollock in the Central and Western GOA are subject to management under a separate Chinook salmon PSC limit defined at § 679.21(h) and would not be affected by this proposed action, with the exception of a proposed clarification to the current salmon retention requirements explained later in this preamble.

This proposed action would apply to Federally-permitted trawl vessels fishing for non-pollock groundfish that are managed under TAC limits in Federal waters and under the State's

parallel groundfish fisheries in State waters. Parallel groundfish fisheries are fisheries that occur in State waters where the catch of groundfish is debited from the TAC. Parallel groundfish fisheries are opened and closed by the State concurrently with adjacent Federal fisheries. Parallel fisheries are managed by the State under rules similar to those that apply in the Federal fisheries. The parallel fisheries that would be affected by this action include the GOA State parallel trawl fisheries for groundfish species, other than pollock, that occur in State waters in the Central and Western GOA. Additional detail on State parallel fisheries is provided in Section 4.5.1 of the Analysis.

This proposed rule would not apply to non-pollock trawl vessels fishing in a State-managed guideline harvest level (GHL) groundfish fishery in the Western or Central GOA should such a fishery be authorized by the State. Currently, GHL non-pollock trawl fisheries are not authorized by the State in the Central or Western GOA. As general background, GHL fisheries are established and managed by the State for harvest exclusively within State waters and catch occurring in a GHL fishery is not deducted from the TAC. Additional detail on State GHL fishery management is provided in Section 4.5.1 of the Analysis.

This proposed action would not apply to non-trawl fisheries (i.e., fisheries using pot, hook-and-line or jig gear). The purpose and need for this action is to address Chinook salmon PSC that is known to occur in trawl fisheries. The Council and NMFS could consider subsequent action to limit Chinook salmon PSC in non-trawl fisheries through subsequent action if such action were determined to be warranted.

Non-Pollock Trawl Fisheries in the Central and Western GOA

The non-pollock trawl fisheries in the Western and Central GOA include fisheries for sablefish, several rockfish species, arrowtooth flounder, Pacific cod, shallow water flatfish, rex sole, flathead sole, deep-water flatfish, and other groundfish, except pollock. Many of the non-pollock trawl fisheries are multi-species fisheries, in which vessels catch and retain multiple groundfish species in a single fishing trip. Additional detail on the species and amounts harvested in the non-pollock trawl fisheries in the Western and Central GOA are provided in Sections 3.2 and 4.4 of the Analysis and in the final 2014 and 2015 harvest specifications for the GOA groundfish fisheries (79 FR 12890, March 6, 2014).

Participants in the Western and Central GOA non-pollock trawl fisheries include C/Ps and CVs. In developing Amendment 97, the Council decided to group these vessels into three sectors which are described in greater detail in the following sections of this preamble: (1) The Trawl C/P Sector; (2) the Rockfish Program CV Sector; and (3) the Non-Rockfish Program CV Sector.

Trawl C/P Sector

Trawl C/Ps in the Central and Western GOA participate in a range of non-pollock groundfish fisheries. Trawl C/Ps primarily fish for rockfish (i.e., dusky rockfish, northern rockfish, and Pacific ocean perch) and sablefish in the Central and Western GOA, and arrowtooth flounder, deep-water flatfish, flathead sole, and rex sole in the Central GOA. Trawl C/Ps occasionally fish for arrowtooth flounder and shallow water flatfish in the Central and Western GOA. Trawl C/Ps do not fish for Pacific cod in the Central or Western GOA. Section 4.4 of the Analysis describes the harvesting activities by trawl C/Ps in greater detail.

Harvests of non-pollock groundfish by trawl C/Ps in the Central and Western GOA are governed primarily by two management programs, the Amendment 80 Program and the Central GOA Rockfish Program. All of the vessels that would be within the Trawl C/P Sector under this proposed rule are subject to management under the Amendment 80 Program. Most of the vessels that would be within the Trawl C/P Sector under this proposed rule also are subject to management under the Central GOA Rockfish Program. The relevant provisions of the Amendment 80 Program and the Central GOA Rockfish Program are briefly described in the following paragraphs.

In June 2006, the Council adopted Amendment 80 to the BSAI Fishery Management Plan, which was implemented by NMFS in 2008. The suite of management measures that implement Amendment 80 is commonly known as the Amendment 80 Program. The key provisions of Amendment 80 relevant for this proposed action are briefly described here; additional detail is available in the final rule implementing the Amendment 80 Program (72 FR 52668, September 14, 2007).

The Amendment 80 Program is intended primarily to improve retention and utilization of fishery resources; encourage fishing practices with lower discard rates; and improve the opportunity for increasing the value of harvested species while lowering operational costs for groundfish fishing in the BSAI. The Amendment 80 Program accomplishes these goals by encouraging the formation of cooperatives and the development of cooperative fishing practices among all persons who are issued Amendment 80 quota share permits. Amendment 80 cooperatives are eligible to receive cooperative quota, which represents an exclusive harvest privilege for a portion of the TAC for each Amendment 80 species annually. The allocation of an exclusive harvest privilege to a person for a specific portion of the TAC is more commonly known as a catch share. Trawl C/Ps within an Amendment 80 cooperative cannot exceed the amount of cooperative quota allocated to their Amendment 80 cooperative (see regulations at § 679.7(n)). Participants who form cooperatives in the Amendment 80 Program are able to receive a catch share in the BSAI and are not engaged in a ''race for fish'' that can occur in fisheries that are not subject to catch share management. This allows participants within an Amendment 80 cooperative to make operational choices to improve fishery returns, reduce bycatch, and reduce fish discards. However, the allocation of catch shares could allow Amendment 80 cooperative participants to expand into fisheries not managed under a catch share program. Specifically, many of the trawl C/Ps eligible under the Amendment 80 Program are also active in groundfish fisheries in the GOA that are not subject to catch share management.

To address the potential expansion of fishing effort into the GOA that could result from the implementation of catch share management in the BSAI, the Amendment 80 Program limits the ability of trawl C/Ps managed under the Amendment 80 Program to expand their harvest efforts in the GOA. These limitations are commonly known as ''sideboards'' because they constrain harvests in specific fisheries. The Amendment 80 Program established GOA groundfish and halibut PSC sideboard limits for Amendment 80 Program participants.

Regulations at § 679.92 establish groundfish harvesting sideboard limits on all vessels eligible for the Amendment 80 program, other than the F/V *Golden Fleece,* for pollock and Pacific cod in the Western and Central GOA, and Pacific ocean perch, dusky rockfish, and northern rockfish in the Western GOA. Regulations at § 679.92(b)(2) establish halibut PSC sideboard limits in the Central and Western GOA for vessels eligible under the Amendment 80 Program other than the F/V *Golden Fleece.* Halibut PSC

sideboards establish the maximum amount of halibut PSC that may be taken while Amendment 80 trawl C/Ps are fishing for groundfish in the GOA. Halibut PSC sideboard limits are allocated by fishery complexes and seasons as described in Table 31 to part 679.

In addition to these groundfish and halibut PSC sideboard limits, other limitations apply to trawl C/Ps eligible for the Amendment 80 Program. Regulations in Table 39 to 50 CFR part 679 allow only specific trawl C/Ps eligible under the Amendment 80 Program to conduct directed fishing for flatfish in the GOA. Regulations at § 679.92(d) prohibit one vessel in the Amendment 80 Program, the F/V *Golden Fleece,* from directed fishing for pollock, Pacific cod, Pacific ocean perch, dusky rockfish, and northern rockfish in the Central and Western GOA, effectively limiting that vessel to the flatfish fisheries in the Central and Western GOA. These specific sideboard measures were established for the F/V *Golden Fleece* in recognition of the unique catch patterns of the F/V *Golden Fleece* described in detail in the final rule implementing the Amendment 80 Program (72 FR 52668, September 14, 2007).

Because the trawl C/Ps operating in the Central and Western GOA are subject to the sideboard limits imposed by the Amendment 80 Program, the vessel operators have established voluntary cooperative relationships to ensure that sideboard limits are not exceeded. These voluntary arrangements have resulted in improved communication and coordination among trawl C/P operators in the GOA.

In addition to the Amendment 80 Program, some trawl C/Ps that would be within the Trawl C/P Sector under this proposed rule are eligible to participate in the Central GOA Rockfish Program (76 FR 81248, December 27, 2011). The Central GOA Rockfish Program was first implemented in 2007 and had a five-year duration ending on December 31, 2011 (71 FR 67210, November 20, 2006). Prior to the expiration of the Central GOA Rockfish Program, the Council revised and renewed the Central GOA Rockfish Program (76 FR 81248, December 27, 2011). Additional detail on the Central GOA Rockfish Program is provided in the final rule implementing the program (76 FR 81248, December 27, 2011) and relevant provisions are briefly summarized here.

The Central GOA Rockfish Program, like the Amendment 80 Program, allocates catch shares. The Central GOA Rockfish Program provides catch shares to eligible trawl C/Ps for Central GOA dusky rockfish, northern rockfish, Pacific ocean perch, rougheye rockfish, shortraker rockfish, and sablefish. The Central GOA Rockfish Program also limits the amount of halibut PSC that may be used by eligible trawl C/Ps. As with the Amendment 80 Program, trawl C/Ps that are active in the Central GOA Rockfish Program can receive a catch share allocation only if they participate in a cooperative. Trawl C/Ps cannot exceed their cooperative's Central GOA Rockfish Program catch share allocations (see regulations at § 679.7(o)). In addition to this catch share allocation, trawl C/Ps that are eligible for the Central GOA Rockfish Program are subject to sideboard limits that constrain their ability to expand effort into other fisheries in the GOA that are not subject to catch share management. The Central GOA Rockfish Program establishes sideboard limits on the types of groundfish fisheries, the amount of Central and Western GOA groundfish, and the amount of halibut PSC that may be harvested by trawl C/Ps eligible for the Central GOA Rockfish Program (see regulations at § 679.82). These provisions have resulted in coordination among those participants active in the Central GOA Rockfish Program and who would be within the Trawl C/P Sector under this proposed rule.

The management measures implemented under the Amendment 80 Program and the Central GOA Rockfish Program have resulted in uniform management of trawl C/P vessels in the Central and Western GOA. This uniform management has also resulted in similar harvest patterns, and coordination among fishery participants. Sections 4.4.2 and 4.4.11 of the Analysis describe the fishing dynamics within the Trawl C/P Sector in greater detail.

This proposed rule would not apply to trawl C/Ps that are managed under authority of the American Fisheries Act (AFA). Regulations implementing the AFA prohibit AFA trawl C/Ps from harvesting any species of groundfish in the GOA (see regulations at § 679.7(k)(1)(ii)). Therefore, they would not be subject to the provisions of this proposed action.

Rockfish Program CV Sector

Trawl CVs in the Central and Western GOA participate in a range of non-pollock groundfish fisheries. Trawl CVs primarily fish for Pacific cod in the Central and Western GOA. Trawl CVs also fish for rockfish (i.e., dusky rockfish, northern rockfish, and Pacific ocean perch) and sablefish in the Central and Western GOA, and arrowtooth flounder, flathead sole, and shallow water flatfish in the Central GOA. Trawl CVs rarely fish for other flatfish species in the Central GOA. Trawl CVs do not fish for flatfish or rockfish in the Western GOA. Section 4.4.2.2 of the Analysis describes the harvesting activities by trawl CVs in greater detail.

There is a distinct division in the management of trawl CVs that separates trawl CVs participating in the Central GOA Rockfish Program from trawl CVs that are not participating in the Central GOA Rockfish Program. Trawl CVs participating in the Central GOA Rockfish Program are subject to catch share management; trawl CVs participating in fisheries other than the Central GOA Rockfish Program are not. These conditions create two distinct management regimes that fundamentally affect the way vessels within each sector fish for non-pollock groundfish and avoid PSC. Therefore, this proposed action recognizes trawl CVs that are participating in the Central GOA Rockfish Program (Rockfish Program CVs) as a sector that is separate and distinct from trawl CVs that are not participating in the Central GOA Rockfish Program (Non-Rockfish Program CVs).

The Central GOA Rockfish Program provides catch shares to eligible trawl CVs for Central GOA dusky rockfish, northern rockfish, Pacific Ocean perch, Pacific cod, rougheye rockfish, and sablefish. The Central GOA Rockfish Program also limits the amount of halibut PSC that may be used by eligible trawl CVs. Rockfish Program CVs can receive a catch share allocation only if they participate in a cooperative. Rockfish Program cooperatives cannot exceed the amount of their Central GOA Rockfish Program catch share allocations (see regulations at § 679.7(o)). Rockfish Program CVs are subject to sideboard limits that constrain the ability of Rockfish Program CVs from expanding their fishing effort into other fisheries in the GOA not subject to catch share management (see regulations at § 679.82(d)).

In the Central GOA, directed rockfish fishing is permitted from May 1 to December 31, with the majority of groundfish harvested in May and June. In 2012, thirty-five trawl CVs in the GOA were fishing under the authority of a Rockfish Program Cooperative Quota (CQ) permit out of a total of 62 trawl CVs that were active in the Central GOA groundfish fisheries. Rockfish Program CVs can ''check in'' to fish under the authority of a Central GOA Rockfish Program CQ Permit, and ''check out'' to fish in other fisheries in the GOA (see

regulations at § 679.5(r)(8)). When Rockfish Program CVs are checked in, they are fishing under the authority of a Rockfish Program CQ Permit and their harvest is limited to the cooperative's catch share allocations. However, the catch share allocations are limiting only when trawl CVs are checked in and fishing under the authority of a Rockfish Program CQ Permit. Conversely, sideboard limitations applicable to eligible Rockfish Program CVs apply during a portion of the year to Rockfish Program CVs that are checked out of the Central GOA Rockfish Program (see regulations at § 679.82(d)). The net effect of these provisions is that when trawl CVs are ''checked in'' and fishing under the authority of a Rockfish Program CQ Permit, they are participating in a cooperative catch share management program, and when they are ''checked out,'' they no longer have an exclusive harvest privilege and must compete or ''race'' with other CVs in harvesting the fish. These conditions indicated to the Council that it would be appropriate to apply separate Chinook salmon PSC limits for trawl CV vessels when ''checked in'' and operating under the authority of a Rockfish Program CQ Permit and for trawl CV vessels not operating under the authority of a Rockfish Program CQ Permit (see the ''Provisions of the Proposed Action'' Section of this preamble for additional detail). Section 4.4.2 of the Analysis describes the fishing dynamics within the Rockfish Program CV Sector in greater detail.

Non-Rockfish Program CV Sector

CVs that are not eligible to participate in the Central GOA Rockfish Program or that are not ''checked in'' and fishing under the authority of a Rockfish Program CQ Permit would be in the Non-Rockfish Program CV Sector. This sector fishes primarily for Pacific cod in the Central and Western GOA, arrowtooth flounder, flathead sole, and shallow water flatfish in the Central GOA, and rockfish in the Eastern GOA (an area not subject to the provisions of this proposed action). As noted earlier, some trawl CVs do not participate in the Rockfish Program at any time during a year, while some participate in the Central GOA Rockfish Program for part of the year, and then participate in other Central or Western GOA non-pollock fisheries that are outside of the Central GOA Rockfish Program. The participants who would be within the Non-Rockfish Program CV Sector under this proposed rule participate in fisheries that are not subject to catch share management and are less likely to be able to coordinate fishing operations in comparison with participants who are subject to catch share management, such as those in the Trawl C/P and Rockfish CV Program Sectors. Section 4.4.2 of the Analysis describes the fishing dynamics within the Non-Rockfish Program CV Sector in greater detail.

Chinook Salmon PSC in the Non-Pollock Trawl Fisheries

Information is currently unavailable for NMFS to assess the specific proportion of individual stocks of Chinook salmon that are incidentally caught in the GOA non-pollock trawl fisheries. Coded wire tag recoveries and genetic analysis of Chinook salmon caught in the GOA non-pollock trawl fisheries show that Chinook salmon stocks originate from Oregon, Washington, British Columbia, and Alaska. Current regulations do not facilitate stock of origin analysis of Chinook salmon incidentally caught in the Western or Central GOA non-pollock trawl fisheries. Section 4.7.2 of the Analysis concludes that it is not possible at this time to estimate how Chinook salmon removals by trawl fisheries impact the proportion of Chinook salmon forgone by other users or impact Chinook salmon escapement.

Regulations require participants in the non-pollock trawl fisheries to avoid Chinook salmon when possible and return them to the water immediately with a minimum of injury after observer sampling. However, salmon caught incidentally in trawl nets often die as a result of trauma incurred during capture. It can be difficult for non-pollock trawl vessels to avoid Chinook salmon PSC because Chinook salmon and non-pollock groundfish occur in the same locations in the Western and Central GOA.

Although non-pollock trawl fisheries incidentally take Chinook salmon, the pollock directed fishery in the Western and Central GOA typically takes the majority of Chinook salmon PSC in the GOA groundfish fisheries (see Section 4.4 of the Analysis for additional detail on total Chinook salmon PSC use). In 2012, NMFS issued a final rule to implement Amendment 93 to the FMP (77 FR 42629, July 20, 2012). Amendment 93 established separate Chinook salmon PSC limits in the Western and Central GOA for the pollock directed fishery. These limits require NMFS to close the pollock directed fishery in the Western or Central GOA if the applicable limit is reached (see regulations at § 679.21(h)(6)). The annual Chinook salmon PSC limits in the pollock directed fishery of 6,684 salmon in the Western GOA and 18,316 salmon in the Central GOA are set in regulation at § 679.21(h)(2)(i) and (h)(2)(ii). In addition, all salmon (regardless of species) taken in the pollock directed fishery in the Western and Central GOA must be retained until an observer at the processing facility that receives delivery of the catch is provided an opportunity to count the number of salmon and to collect any scientific data or biological samples from the salmon (see regulations at § 679.21(h)(4)).

There are currently no specific management measures to limit Chinook salmon PSC in the GOA non-pollock trawl fisheries. From 1997 through 2013 (a broad range of years encompassing reliable historic estimates and the most recent available data), the non-pollock trawl fisheries accounted for approximately 27 percent of the total trawl fishery Chinook salmon PSC in the Western and Central GOA groundfish fisheries. The pollock trawl fisheries accounted for the remainder of the Chinook salmon PSC. Chinook salmon PSC for the non-pollock trawl fisheries averaged 5,770 salmon annually from 1997 through 2013, with a maximum annual PSC of 10,877 in 2003 and a minimum annual PSC of 2,739 in 1998.

Chinook salmon PSC for GOA non-pollock trawl fisheries varies by year and among the Trawl C/P, Rockfish Program CV, and Non-Rockfish Program CV Sectors. Table 1 provides the average, the minimum, and the maximum amount of Chinook salmon PSC for all three sectors. Table 1 provides this information since the implementation of the Central GOA Rockfish Program in 2007, the first year that all three sectors could be defined, through 2013, the most recent year for which data are available. Section 4.4 of the Analysis provides additional detail on the distribution of Chinook salmon PSC.

TABLE 1—TOTAL, AVERAGE, MAXIMUM, AND MINIMUM CHINOOK SALMON PSC IN THE TRAWL C/P, ROCKFISH CV, AND NON-ROCKFISH CV SECTORS FROM 2007 THROUGH 2013

Sector	Average	Maximum	Minimum
Trawl C/P	3,143	4,631	1,890
Rockfish CV	903	1,649	368
Non-Rockfish CV	2,526	4,531	857
Total (All three sectors)	5,979	9,748	3,664

History and Goals of This Proposed Rule

In December 2010, the Council initiated two sequential amendments to address GOA Chinook salmon PSC. The first amendment addressed Chinook salmon PSC in the GOA pollock fisheries through the implementation of a PSC limit for those target fisheries in the Western and Central GOA. At the same time, a longer-term amendment package was initiated to address comprehensive Chinook salmon PSC management in GOA non-pollock trawl fisheries.

In June 2011, the Council took final action on the first amendment, Amendment 93 to the GOA Groundfish FMP, which established an overall PSC limit of 25,000 Chinook salmon for the Central and Western GOA pollock fisheries. The Central GOA annual PSC limit was set at 18,316 Chinook salmon, and the Western GOA PSC limit was set at 6,684 Chinook salmon. Also, the Council required full retention of all salmon taken in the pollock trawl fishery, in order to allow NMFS to implement a robust sampling protocol for Chinook salmon, and allow for genetic stock identification of Chinook salmon taken as PSC. The final rule to implement Amendment 93 became effective on August 25, 2012 (77 FR 42629).

In February 2012, the Council reviewed a discussion paper on the second amendment to consider and evaluate a range of alternatives for Chinook salmon PSC limits in the GOA non-pollock trawl fisheries, and other alternatives for controlling and sampling Chinook salmon PSC in GOA trawl fisheries. In June 2013, the Council took final action on the Chinook salmon PSC limits for the non-pollock trawl fishery by selecting a long-term average annual PSC limit that would be divided between CVs and C/Ps, an incentive buffer for trawl C/Ps and Non-Rockfish Program CVs, separate Chinook PSC apportionments for the Rockfish Program CV sector and the Non-Rockfish Program CV sector, and salmon retention requirements.

In June 2013, the Council initiated review of an additional PSC measure to examine whether or not the June 2013 recommendation on Chinook salmon PSC in the GOA non-pollock trawl fishery could be modified to include an inseason reallocation of Chinook salmon PSC from the Rockfish Program CV Sector to the Non-Rockfish Program CV Sector. The Council recommended an inseason reallocation on December 2013. The measures adopted by the Council at its June and December meetings comprise Amendment 97 and are described in detail in the analysis and in the following section of this proposed rule.

The goals of this proposed action are consistent with the 10 National Standards established under the Magnuson-Stevens Act. The proposed action addresses the MSA National Standards and would balance a number of competing objectives for fishery conservation and management. These include National Standard 1, National Standard 8, and National Standard 9. The Council and NMFS recognize the need to balance and be consistent with both National Standard 1 and National Standard 9. National Standard 9 requires that conservation and management measures shall, to the extent practicable, minimize bycatch. National Standard 1 requires that conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the U.S. fishing industry. The ability to harvest the entire TAC for each groundfish fishery in any given year may not be the single factor, or the most important factor, in determining whether the GOA groundfish fishery achieves optimum yield. Providing the opportunity for the fleet to harvest its TAC is one aspect of achieving optimum yield in the long term. National Standard 8 requires considering the importance of fishery resources to fishing communities and minimizing adverse economic impacts on such communities. This action would provide maximum benefit to fishermen and communities that depend on Chinook salmon and groundfish resources, and comply with the Magnuson-Stevens Act and other applicable federal law. National Standard 9 emphasizes the need to minimize bycatch in the non-pollock trawl fisheries in the Central and Western GOA to the extent practicable. The action would be practicable because it does not over constrain harvest of available TACs in the non-pollock trawl fisheries. By minimizing Chinook salmon bycatch, this action would maintain a healthy marine ecosystem for the long-term conservation and abundance of Chinook salmon.

In determining whether to impose a Chinook salmon PSC limit for the non-pollock trawl fisheries, the Council and NMFS considered the importance of equity among user groups in this proposed action. In addition to providing an equitable allocation of the total GOA-wide PSC limit between the Western and Central GOA non-pollock trawl fisheries, the Council and NMFS also considered the needs of Chinook salmon users. The Chinook salmon resource is of value to many stakeholders, including but not limited to commercial, recreational, and subsistence user groups, and it is a resource that is currently fully utilized. By instituting a PSC limit that would prevent harvest of Chinook salmon in excess of that limit, thereby reducing Chinook salmon bycatch in years of high abundance, the Council and NMFS also are considering the needs of these other user groups in recommending this proposed action.

The Council and NMFS determined that the imposition of a Chinook salmon PSC limit for the non-pollock trawl fisheries in the Western and Central GOA would achieve three broad goals, that are addressed in the Purpose and Need and in the Council's problem statement (see Analysis Section 1.1), and discussed below. The first goal is to avoid exceeding the annual Chinook salmon threshold of 40,000 Chinook salmon that was identified in the incidental take statement accompanying the November 30, 2000, Biological Opinion on the effects of the Alaska groundfish fisheries on ESA-listed salmon of the Pacific Northwest (see

Chapter 5) (see **ADDRESSES**). Management of the GOA groundfish fisheries should prevent Chinook salmon bycatch from exceeding the incidental take statement. Establishing a limit on the amount of Chinook salmon PSC that may be taken on an annual basis in the non-pollock trawl fisheries in the Central and Western GOA would accomplish that goal. This proposed action would, on average, limit the annual Chinook salmon PSC in the non-pollock trawl fisheries to 7,500 salmon each year. This would provide great assurance that the total Chinook salmon PSC in the GOA from all sources would not exceed 40,000 salmon on an annual basis. The second goal is to minimize Chinook salmon bycatch to the extent practicable, consistent with the MSA and National Standard 9. Under Amendment 93 to the FMP, NMFS implemented regulations to limit the annual Chinook salmon PSC in the Central and Western GOA pollock fishery to 25,000 Chinook salmon (77 FR 42629, July 20, 2012). Limits on Chinook salmon PSC in the non-pollock trawl fisheries would complement those regulations, and further the second goal of conservation of Chinook salmon resources that occur in the GOA regardless of the stock of origin. The implementation of Chinook salmon PSC limits for non-pollock trawl fisheries would prevent unusually high levels of PSC of Chinook salmon from occurring in the non-pollock trawl fisheries in the future, such as occurred in 2003 and 2010 (see Section 4.4 of the Analysis for additional information on annual Chinook salmon PSC use in the non-pollock trawl fisheries). Consistent with National Standard 9, Chinook salmon PSC limits that would be implemented by this program include incentives that in some years, may reduce Chinook salmon PSC to levels below the proposed limits, thereby minimizing bycatch to the extent practicable. The third broad goal is to establish monitoring measures that would aid NMFS in proper accounting of Chinook salmon PSC and improve sampling of Chinook salmon so that stock of origin of Chinook salmon PSC could be determined. This would be accomplished by revising retention requirements for all salmon PSC, regardless of species, to enable accurate reporting, ensure adequate accounting of Chinook salmon PSC, and obtain information that could help define the stock of origin of Chinook salmon bycatch, thereby improving the understanding of the potential impact of Chinook salmon PSC on Chinook salmon resources and fisheries.

Provisions of the Proposed Action

In order to achieve the goals identified by the Council, this proposed action would: (1) Establish annual Chinook salmon PSC limits for the Trawl C/P, Rockfish Program CV, and Non-Rockfish Program CV Sectors; (2) establish an ''incentive buffer'' that would allow the annual Chinook salmon PSC limit for the Trawl C/P and Non-Rockfish Program CV Sectors to vary depending on the amount of Chinook salmon PSC taken by those sectors in the previous year; (3) establish a seasonal limit on the amount of Chinook salmon PSC that could be taken in the Trawl C/P Sector prior to June 1 of each year; (4) allow the reallocation of unused Chinook salmon PSC from the Rockfish Program CV Sector to the Non-Rockfish Program CV Sector on October 1 and November 15 of each year; and (5) establish salmon retention requirements to ensure adequate accounting of Chinook salmon PSC, and to improve the collection of biological samples that could aid in the determination of stock of origin of Chinook salmon PSC in the non-pollock trawl fisheries. A description of and rationale for these proposed measures are provided in the following paragraphs.

Chinook Salmon PSC Limits

This proposed rule would implement a long-term average annual Chinook salmon PSC limit of 7,500 Chinook salmon for non-pollock trawl fisheries in the Central and Western GOA. The proposed rule would implement the long-term average annual limit by establishing three separate Chinook salmon PSC limits for the Trawl C/P, Rockfish Program CV, and Non-Rockfish Program CV Sectors. During the first year of implementation, this proposed rule would establish an annual Chinook salmon PSC limit of 3,600 Chinook salmon for the Trawl C/P Sector, 1,200 Chinook salmon for the Rockfish Program CV Sector, and 2,700 Chinook salmon for the Non-Rockfish Program CV Sector. The total Chinook salmon PSC limit in the first year of implementation for all three sectors would be 7,500 Chinook salmon. Under the proposed action, if a sector reaches, or is projected to reach, its Chinook salmon PSC limit, NMFS would close directed fishing for all non-pollock trawl fisheries for vessels in that sector for the remainder of the calendar year. Each sector would be subject to its own annual Chinook salmon PSC limit, and NMFS would manage each sector separately.

The Council recommended the proposed long-term average annual limit after considering a range of PSC limits to minimize Chinook salmon bycatch to the extent practicable while preserving the potential for the full harvest of non-pollock groundfish TACs. The Council's selection of this long-term average limit also reflects the trade-offs between Chinook salmon saved and the forgone non-pollock catch for the range of PSC limits. Section 4.4.9 of the Analysis shows that Western and Central GOA non-pollock trawl fisheries averaged approximately 6,000 Chinook salmon per year between 2003 and 2011, but that actual annual PSC varies widely (a high of 10,877 in 2003 and a low of 3,060 in 2006). According to the Analysis (section 2.5), the non-pollock trawl fisheries would have been constrained in two out of nine years between 2003 and 2011 if the proposed Chinook salmon PSC limit of 7,500 had been in place, but these closures would have resulted in 40% less Chinook salmon PSC being taken in these fisheries (see the Analysis, Table 4–69).

The Council considered alternatives that would have established a Chinook salmon PSC limit of 5,000, 10,000 and 12,500 in the non-pollock trawl fishery in the Central and Western GOA. The Council and NMFS recognize that the Chinook salmon PSC limit of 7,500 proposed in this action could constrain groundfish harvests and impose costs on non-pollock trawl fishery participants (see Section 4.9 of the Analysis). However, based on a review of past fishery performance provided in Sections 4.7 and 4.9 of the Analysis, the Council determined and NMFS agrees that a Chinook salmon PSC limit less than 7,500 would result in considerable amounts of foregone harvest in the non-pollock trawl fisheries, and relatively high costs (in terms of foregone revenue) per salmon saved. A Chinook salmon PSC limit lower than 7,500 would be expected to impose greater costs and burdens on participants in the non-pollock trawl fisheries in future years by constraining fishing to a greater degree than the PSC limit proposed in this action. Using the 2003 to 2011 period, the non-pollock trawl fisheries would have been constrained in six of these years under a 5,000 Chinook salmon PSC limit. Given the considerable costs per salmon saved at PSC limits less than 7,500 and the uncertainty over the added benefits to individual Chinook stocks with such limits, the Council determined and NMFS agrees that a Chinook salmon PSC limit lower than 7,500 would burden fishery participants to a greater extent than the proposed

limit, and is not considered practicable for minimizing Chinook salmon bycatch because it would be unnecessarily constraining to the non-pollock fisheries. The Analysis at section 2.5 also shows that non-pollock trawl fisheries would have been constrained in only one year between 2003 and 2011 with an average annual PSC limit equal to or greater than 10,000 Chinook salmon. While a PSC limit of 10,000 Chinook salmon would have resulted in approximately 17 percent less Chinook salmon PSC using the 2003 to 2011 time period, the Council determined, and NMFS agrees, that a 17 percent savings of Chinook salmon PSC (approximately 1,000 Chinook salmon) was inadequate savings of Chinook salmon considering the importance of salmon to target fisheries and conservation needs and would not minimize Chinook salmon bycatch to the extent practicable.

After selecting the long-term average annual Chinook salmon PSC limit of 7,500, the Council recommended that the average annual PSC limit be implemented by establishing separate Chinook salmon PSC limits for the Trawl C/P, the Rockfish Program CV, and the Non-Rockfish Program CV sectors. The Council and NMFS recommend allocating Chinook salmon PSC to the Trawl C/P, Rockfish Program CV, and Non-Rockfish Program CV Sectors in recognition of the specific groundfish fisheries, and patterns of Chinook salmon PSC use by these sectors as described in the ''Non-Pollock Trawl Fisheries in the Central and Western GOA'' and ''Chinook Salmon PSC in the Non-Pollock Trawl Fisheries'' sections of this preamble and detailed in Section 4.4 of the Analysis. As explained earlier in this preamble and in the Analysis, each of these three sectors participates in different groundfish fisheries, and is subject to different management measures that allow these three sectors to respond differently to the Chinook salmon PSC limits being proposed in this action. The following description provides the rationale for the specific Chinook salmon PSC limits selected and the potential effects based on a review of historic and recent trends of groundfish harvests and Chinook salmon PSC use. In determining the specific Chinook salmon PSC limit that each sector would receive, the Council recommended that the average annual PSC limit be apportioned between the catcher processor fleet (i.e., the Trawl C/P Sector) and the catcher vessel fleet (i.e., the Rockfish Program CV Sector and the Non-Rockfish Program CV Sector combined) based on each fleet's five-year historic average percentage of Chinook salmon bycatch. From 2007 to 2011, the catcher processor fleet's average use of Chinook salmon represented 48% of the total average use of Chinook salmon bycatch in the non-pollock trawl fisheries. During this same period, the catcher vessel fleet's average use of Chinook salmon represented 52 percent of the total average use of Chinook salmon bycatch in the non-pollock trawl fisheries. Applying these percentages to the PSC limit of 7,500, the Council recommended a Chinook salmon PSC limit of 3,600 Chinook salmon for the catcher processor fleet (i.e. the Trawl C/P Sector) and a Chinook salmon PSC limit of 3,900 Chinook salmon for the catcher vessel fleet (i.e. the Rockfish Program CV Sector and the Non-Rockfish Program CV Sector combined). The Council determined, and NMFS agrees, that the five-year historic average best captures the time period that is most reflective of the current management regime in the non-pollock trawl fisheries of the Western and Central GOA. The period encompasses the time in which the Central GOA Rockfish Program and Amendment 80 were implemented.

The Council determined and NMFS agrees that the 3,600 Chinook salmon PSC limit for the Trawl C/P Sector is appropriate because the sector's groundfish harvests are tightly constrained by sideboard measures, informal cooperative arrangements that exist within the Trawl C/P Sector can provide the necessary communication for avoiding Chinook salmon PSC, and regulations applicable to trawl C/Ps operating in the Central GOA Rockfish Program allow those trawl C/Ps to better coordinate activities and take actions to reduce Chinook salmon PSC. Collectively, these conditions are expected to minimize the sector's Chinook salmon PSC to the extent practicable while providing an opportunity to harvest groundfish in the GOA. The proposed Chinook salmon PSC limit of 3,600 salmon is approximately 14 percent greater than the average amount of Chinook salmon PSC that has been used in Trawl C/P Sector (3,105 salmon) from 2007 (the first year that the Central GOA Rockfish Program) through 2011 (the most recent year for which complete data was available at the time the Council took final action on Amendment 97). Based on a review provided in Section 4.4 of the Analysis, the proposed 3,600 Chinook salmon PSC limit would have been constraining in one out of five years during the 2007 through 2011 period analyzed. The 3,600 Chinook salmon PSC limit also would be slightly higher than the sector's average Chinook salmon PSC use (3,143 salmon) from 2007, the first year that all three sectors could be defined, through 2013, the most recent year for which data are available (see Table 1 of this preamble). The Council and NMFS anticipate that, given the existing management structure of the Trawl C/P Sector and the ability of the Trawl C/P Sector to coordinate fishing activities in the GOA, the Trawl C/P Sector is likely to be able to harvest non-pollock groundfish in the Central and Western GOA in most years without being constrained by the Chinook salmon PSC limit of 3,600 salmon.

After recommending a Chinook salmon PSC limit of 3,900 for the catcher vessel fleet (i.e., the Rockfish Program CV Sector and the Non-Rockfish Program CV Sector combined), the Council then determined that this PSC limit should be further apportioned and recommended that 1,200 Chinook salmon be apportioned to the Rockfish Program CV Sector and the remainder (2,700 Chinook salmon) be apportioned to the Non-Rockfish Program CV Sector. The Council recognized that vessels within the Non-Rockfish Program CV Sector could have unpredictable high PSC events during the spring, prior to the May opening of the Central GOA Rockfish Program, which could preclude or severely curtail the Central GOA Rockfish Program's season, thereby eliminating an opportunity to prosecute a valuable fishery in which the prospects for effective PSC avoidance are promising. The Council determined, and NMFS agrees, that a separate Chinook salmon PSC limit for the Rockfish Program CV Sector is appropriate because a separate allocation would preserve important and valuable fishing opportunities in the Rockfish Program. In determining the Chinook salmon PSC limit for the Rockfish Program CV Sector, the Council considered the sector's annual average Chinook salmon PSC from 2007 through 2011 of approximately 800 Chinook salmon per year, as well as annual Chinook salmon PSC, which exceeded 1,200 Chinook salmon in one year (2008) during this period. The Council determined, and NMFS agrees, that a Chinook salmon PSC limit of 1,200 for the Rockfish Program CV Sector is appropriate because (1) it should provide the greatest assurance that the Central GOA Rockfish Program quota can be fully harvested given the sector's average annual use, (2) the sector is managed through cooperatives that have additional tools available to aid in mitigating Chinook salmon PSC

encounters, and (3) the one year in which the sector's PSC use exceeded the proposed limit, cooperative fishing under the Central GOA Rockfish Program was new and management priorities emphasized halibut avoidance. The Chinook salmon PSC limit of 1,200 salmon is approximately 29 percent greater than the average amount of Chinook salmon PSC that has been used in Rockfish Program CV Sector (847 salmon) during a representative five-year period analyzed by the Council and NMFS from 2007 through 2011. Based on a review provided in Sections 4.7 and 4.9 of the Analysis, the 1,200 Chinook salmon PSC limit would have been constraining in one out of five years during the 2007 through 2011 period analyzed. The 1,200 Chinook salmon PSC limit is also greater than the sector's average Chinook salmon PSC use (903 salmon) from 2007 through 2013 (see Table 1 of this preamble). The Council and NMFS anticipate that given the existing management structure of the Rockfish Program CV Sector, the sector is likely to be able to harvest groundfish fisheries in the Central and Western GOA in most years without being constrained by the Chinook salmon PSC limit of 1,200 salmon. The Council also determined, and NMFS agrees, that the apportionment to the sector is appropriate because although the allocation is larger than the sector's average annual use, the sector has an incentive to minimize its use of Chinook salmon PSC. This proposed action also includes a provision that would allow NMFS to reallocate unused Chinook salmon PSC from the Rockfish Program CV Sector to the Non-Rockfish Program CV Sector on October 1 and November 15 of each year as described later in this preamble. This provision would ensure that unused amounts of the Chinook salmon PSC limit allocated to the Rockfish Program CV Sector would be made available to catcher vessels that may still be fishing in the Non-Rockfish Program CV Sector towards the end of the fishing year. On average, 87 percent of the CVs that are active in the Rockfish Program CV Sector participate in the Non-Rockfish Program CV Sector for fall non-pollock trawl fisheries. Therefore, the Council determined and NMFS agrees that participants in the Rockfish Program CV Sector would have ample incentive to minimize Chinook salmon PSC within that sector in order to maximize the amount of Chinook salmon PSC available to prosecute important fall fisheries, such as fall Pacific cod and flatfish fisheries.

The Rockfish Program CV Sector Chinook salmon PSC limit would apply to trawl catcher vessels that are checked in and fishing under the authority of a Rockfish Program CQ Permit (see regulations at § 679.5(r)(8)). Trawl catcher vessels that are not checked in and fishing under the authority of a Rockfish Program CQ Permit would be in the Non-Rockfish Program CV Sector. Under the proposed action, a trawl CV vessel could operate in both the Rockfish Program CV Sector and the Non-Rockfish Program CV Sector during the course of a fishing year, but would only be in one or the other sector at any given time during a fishing year depending on whether the vessel was checked in and fishing under the authority of a Rockfish Program CQ Permit.

The proposed Chinook salmon PSC limit for the Rockfish Program CV Sector would not be further allocated among the specific cooperatives within the sector. The Council did not recommend that the 1,200 Chinook salmon PSC limit be further apportioned among fishery cooperatives in the Rockfish Program CV Sector because allocating the Chinook salmon PSC limit among cooperatives would result in relatively small allocations among the cooperatives that could unnecessarily constrain non-pollock harvests by the cooperatives. Chinook salmon PSC varies from year to year and that variability could limit the ability of a cooperative to predict and undertake fishing operations in a way that could ensure the cooperative would maintain catch below its Chinook salmon PSC limit. A cooperative-specific Chinook salmon PSC limit would be expected to increase the administrative burden and costs to establish cooperative-specific allocations, particularly if cooperative-specific Chinook salmon PSC limits could be traded among cooperatives. The Council determined and NMFS agrees that inter-cooperative arrangements that exist among the Rockfish Program CV Sector would be able to provide coordination and communication among participants, reduce the risk that a specific cooperative would be constrained within the overall Rockfish Program CV Sector, and would not impose the additional burdens and costs associated with cooperative-specific Chinook salmon PSC limits. Sections 4.7.1 and 4.9 of the Analysis provide additional detail on the allocation of the Chinook salmon PSC limit to the Rockfish Program CV Sector.

The Council and NMFS recommend the 2,700 Chinook salmon PSC limit for the Non-Rockfish Program CV Sector to accommodate groundfish harvests in most years. Unlike the Trawl C/P and Rockfish Program CV Sectors, the Non-Rockfish Program CV Sector is not circumscribed by sideboard regulations, governed by informal cooperative arrangements, or managed under a catch share program that allows the sector to optimize the use of its Chinook salmon PSC as it participates in non-pollock trawl fisheries. The Council considered these factors when establishing the proposed Chinook salmon PSC limit. The proposed Chinook salmon PSC limit of 2,700 salmon is approximately 8 percent greater than the average amount of Chinook salmon PSC that has been used in Non-Rockfish Program CV Sector (2,489 salmon) during a representative five-year period analyzed by the Council and NMFS from 2007 through 2011. Based on a review provided in Sections 4.7 and 4.9 of the Analysis, the 2,700 Chinook salmon PSC limit would have been constraining in two out of five years during the 2007 through 2011 period analyzed. The proposed 2,700 Chinook salmon PSC limit is also slightly greater than the sector's average Chinook salmon PSC use (2,562 salmon) from 2007 through 2013 (see Table 1 of this preamble). This proposed action also includes a provision that would allow NMFS to reallocate unused Chinook salmon PSC from the Rockfish Program CV Sector to the Non-Rockfish Program CV Sector on October 1 and November 15 of each year as described later in this preamble. This provision would be likely to provide additional Chinook salmon PSC to the Non-Rockfish Program CV Sector in most years (see Section 4.9 of the Analysis for additional detail).

As previously discussed, the Council considered establishing Chinook salmon PSC limits that would have provided a single Chinook salmon PSC limit for all non-pollock trawl fisheries, as well as a single Chinook salmon PSC limit for trawl C/Ps and trawl CVs participating in the Central GOA Rockfish Program. The Council considered alternatives for Chinook salmon PSC limits for each of the three sectors that would, on average, result in Chinook salmon PSC limits ranging from 5,000 salmon to 12,500 salmon annually in the Central and Western GOA. The Council considered a range of methods for defining and allocating the Chinook PSC between the three sectors using average Chinook salmon PSC use by each sector over five-year and ten-year periods. Finally, the Council considered alternatives to allocate separate Central GOA and Western GOA Chinook salmon PSC limits for each sector.

The Council considered but did not select alternatives that would have assigned a single Chinook salmon PSC limit to all fisheries because such an allocation would not recognize the distinct operational differences, and differing patterns of Chinook salmon PSC use, among the three sectors active in the GOA (see Section 4.7 of the Analysis for additional detail). The Council determined that such an allocation method would have reduced the incentives for a specific sector to maintain Chinook salmon PSC use within its historic limits. This could result in one sector engaging in fishing patterns that lead to relatively high Chinook salmon PSC which in turn could result in the closure of non-pollock fisheries to all vessels, including those vessels that have relatively low Chinook salmon PSC rates. Such a result would have adverse effects on fishing operations disproportionate to their actual Chinook salmon PSC use. Additionally, the Council did not select alternatives that would have assigned a single Chinook salmon PSC limit to the trawl CV and trawl C/P vessels participating in the Central GOA Rockfish Program. The Council determined that such an allocation did not appear to be consistent with the operations of trawl C/P vessels and the stated desire by representatives of trawl C/P vessels to establish a single Chinook salmon PSC limit applicable to all trawl C/Ps.

As previously discussed, the Council considered but did not select Chinook salmon PSC limits that that would have established Chinook salmon PSC limits greater than 7,500 salmon (10,000 and 12,500 salmon) in the non-pollock trawl fisheries of the Central and Western GOA. The Council reviewed these limits and determined that although they would establish Chinook salmon PSC limits and constrain total Chinook salmon PSC, they would not have minimized bycatch of Chinook salmon to the extent practicable. The Council determined and NMFS agrees that Chinook salmon PSC limits higher than 7,500 would result in a greater potential for increased use of Chinook salmon PSC. The Council and NMFS consider the proposed Chinook salmon PSC limit of 7,500 to appropriately balance the goals of minimizing bycatch to the extent practicable while providing harvest opportunities among the sectors. The Council and NMFS reached these conclusions based on a review of the historic and recent trends in Chinook salmon PSC use, the ability of the Trawl C/P and Rockfish Program CV Sectors to use their existing management structure and cooperative arrangements to further minimize bycatch, and incentive provisions contained within this proposed action would provide additional harvest flexibility to the Trawl C/P and to a greater extent, the Non-Rockfish Program CV Sector.

Finally, the Council also considered but did not select alternatives to allocate separate Central GOA and Western GOA Chinook salmon PSC limits for each sector. As noted in Section 4.7 of the Analysis, allocating Chinook salmon PSC separately to the Western and Central GOA, or by sector within the Central and Western GOA, would have been likely to create small allocations that would have been limiting to the non-pollock trawl fishery in more years given the highly variable nature of Chinook salmon PSC rates and use between the Central and Western GOA. The Council determined that these small, and likely restrictive allocations would have constrained fishing operations, without necessarily resulting in practicable minimization of Chinook salmon bycatch. These small restrictions also would be challenging for NMFS to adequately monitor and administer to ensure that these relatively small Chinook salmon PSC limits could not be exceeded.

Incentive Buffer

This proposed rule would allow the annual Chinook salmon PSC limit for the Trawl C/P and Non-Rockfish Program CV Sectors to vary depending on the amount of Chinook salmon PSC taken by those sectors in the previous year. This proposed provision is termed an ''incentive buffer'' because it would provide an incentive for participants in the Trawl C/P and Non-Rockfish Program CV Sectors to minimize PSC below their allocations, 3,600 and 2,700 Chinook salmon respectively, each year in order to receive additional Chinook salmon PSC in the following year. It is important to note that the proposed incentive buffer would not result in the total available Chinook salmon PSC limit in the non-pollock trawl fisheries to exceed 7,500 salmon over the long term annual average.

Under the proposed incentive buffer, a sector that uses less than or equal to its proportional share of 6,500 Chinook salmon in one year would be able to access its base PSC limit plus its proportional share of 1,000 additional Chinook salmon in the following year. To illustrate, the proposed base Chinook salmon PSC limit for the Trawl C/P Sector is 3,600 (48 percent of the average annual Chinook salmon PSC limit of 7,500) and this limit would be available to the Trawl C/P Sector during the first year of Amendment 97 if approved. If, during the first year, the Trawl C/P Sector was able to maintain its use of Chinook salmon PSC to no more than 3,120 salmon (48 percent of 6,500 Chinook salmon), the incentive buffer would apply to the sector in the following year. In the following year, the Trawl C/P Sector would receive a Chinook salmon PSC limit of 4,080 Chinook salmon, which represents the sum of the sector's base PSC limit (3,600) and its proportional share (48 percent) of 1,000 (480). If, during the first year, the Trawl C/P Sector's Chinook salmon use exceeds 3,120 Chinook salmon, then the incentive buffer would not apply to the sector and its Chinook salmon PSC limit in the following year would be set at its base PSC limit of 3,600 Chinook salmon. Similarly, the proposed base PSC limit for the Non-Rockfish Program CV Sector is 2,700 (36 percent of the proposed Chinook salmon limit of 7,500) and this limit would be available to the Non-Rockfish Program CV Sector during the first year of Amendment 97 if approved. If, during the first year, the Non-Rockfish Program CV Sector was able to maintain its use of Chinook salmon PSC to no more than 2,340 salmon (36 percent of 6,500 Chinook salmon), the incentive buffer would apply to the sector in the following year. In the following year, the Non-Rockfish Program CV Sector would receive a Chinook salmon PSC limit of 3,060 salmon, which represents the sum of the sector's base PSC limit (2,700) and its proportional share (36 percent) of 1,000 (360). If, during the first year, the Non-Rockfish Program CV Sector's Chinook salmon use exceeds 2,340 Chinook salmon, then the incentive buffer would not apply to the sector and its Chinook salmon PSC limit in the following year would be set at its base PSC limit of 2,700 salmon.

The Council believes and NMFS agrees that this mechanism would act as an incentive for these sectors to keep Chinook salmon bycatch well below each sector's base PSC limit in most years, in order to provide each sector with a slightly higher Chinook salmon PSC limit that may be needed in an unusual year of Chinook salmon migration patterns or unanticipated higher abundance that may make it difficult to avoid Chinook salmon PSC. The specific buffers selected would provide approximately 12 percent more Chinook salmon PSC for the Trawl C/P and Non-Rockfish Program CV Sectors in a year if the Chinook salmon use for that sector was maintained at an amount approximately 12 percent below the

Chinook salmon PSC limits initially established for those sectors. The amount of the proposed incentive buffer is intended to provide some additional flexibility, but not so large an increase in a sector's Chinook salmon PSC limit from year-to-year as to result in highly variable or substantial increases in Chinook salmon PSC.

This proposed action would not apply an incentive buffer to the Rockfish Program CV Sector. As noted in the previous section of this preamble, the Chinook Salmon PSC limit for the Rockfish Program CV Sector is thought to be sufficient to support the Rockfish Program CV Sector in most years. In addition, any unused Chinook salmon PSC from the Rockfish Program CV Sector would be reallocated to the Non-Rockfish Program CV Sector in the fall of each year as described later in this preamble. Establishing an incentive buffer for the Rockfish Program CV Sector and allowing a reallocation of unused Chinook salmon PSC would be administratively burdensome and was determined by the Council and NMFS as unnecessary to provide flexibility to the Rockfish Program CV Sector (see Section 4.9 of the Analysis for additional detail).

Seasonal Allocation of the Chinook Salmon PSC Limit for Trawl Catcher/Processors

This proposed rule would establish a seasonal limit on the maximum amount of Chinook salmon PSC that could be used by the Trawl C/P Sector prior to June 1 of each year. Each year, the Trawl C/P Sector would be limited to using no more than 66 percent of its annual Chinook salmon PSC limit prior to June 1. If NMFS determined that the Trawl C/P Sector's seasonal Chinook PSC limit would not be exceeded, no action would be necessary. If, prior to June 1, NMFS determines that the Trawl C/P Sector would catch the seasonal allocation of the sector's Chinook salmon PSC limit prior to June 1, NMFS would prohibit directed fishing for non-pollock fisheries by the Trawl C/P Sector until June 1. NMFS would determine the amount of the sector's annual limit that remains available for use and directed fishing for non-pollock fisheries would be open for the Trawl C/P Sector on June 1, provided there is adequate Chinook salmon PSC to allow the Trawl C/P Sector to fish and not exceed its annual Chinook salmon PSC limit. No additional notice to re-open the groundfish fishery for non-pollock trawl C/Ps would be necessary, because proposed regulations at § 679.21(i)(3)(ii) state the date (June 1), that defines the end and start of the Trawl C/P Sector's seasonal Chinook PSC limits.

NMFS, as part of the implementation of this action, would establish Chinook salmon PSC accounts for the non-pollock trawl groundfish fishery in the NMFS regional catch accounting system (CAS). NMFS also would develop publically-available reports about the catch of Chinook in the non-pollock groundfish fishery (at *http://alaskafisheries.noaa.gov*), including annual PSC limits, current catch, and remaining limits. These reports, which would be an extension of existing NMFS reports about current and historic groundfish and PSC catch in the GOA, would include a Chinook PSC category for the non-pollock Trawl C/P Sector as defined at § 679.21(i)(2)(ii). The agency would add the residual January 1 to June 1 Chinook salmon PSC limit to the June 1 to December 31 Chinook salmon PSC limit. This information would be publically available from the non-pollock Chinook PSC limit report.

Because the seasonal limit would be set at 66 percent of the annual Chinook salmon PSC limit, the specific amount could vary depending on whether or not the Trawl C/P Sector receives an incentive buffer for a year. During the first year of implementation, the Trawl C/P Sector would be allocated a seasonal Chinook salmon PSC limit of 2,376 Chinook salmon for use prior to June 1 (i.e., 66 percent of the 3,600 Chinook salmon PSC annual limit). During the second year, the seasonal Chinook salmon PSC limit for the Trawl C/P Sector prior to June 1 would be set at 2,376 Chinook salmon if the Trawl C/P Sector did not receive the incentive buffer, or would be set at 2,693 Chinook salmon (i.e., 66 percent of the 4,080 Chinook salmon PSC annual limit) if the sector received the incentive buffer.

This proposed action would establish a seasonal allocation to the Trawl C/P Sector to reduce the potential for a disproportionate amount of the Chinook salmon PSC limit being used early in the year which could result in non-pollock harvest restrictions to Trawl C/P Sector participants later in the year. Section 4.7.1 of the Analysis contains data showing that the Trawl C/P Sector typically uses approximately 70 percent of its Chinook salmon PSC before June 1. The Council determined and NMFS agrees that the proposed 66 percent allocation prior to June 1 is an appropriate limitation to allow the Trawl C/P Sector to prosecute non-pollock trawl fisheries consistent with historic use of Chinook salmon PSC, while also ensuring that some portion of the PSC is available to support other non-pollock trawl fisheries, specifically the rockfish fisheries that typically are harvested after June 1. Many of the vessels in the Trawl C/P Sector participate in Central GOA Rockfish Program fisheries that open on May 1 of each year. However, trawl C/Ps fishing in the Central GOA Rockfish Program typically start to fish after June 1. The Council and NMFS propose June 1 as the end date of the seasonal allocation to ensure that sufficient Chinook salmon PSC will be left for the Trawl C/P Sector to participate in the Central GOA Rockfish Program, as well as to support other non-pollock trawl fisheries occurring later in the year. The Council and NMFS also considered recommendations provided to the Council from participants in the Trawl C/P Sector that a seasonal limit of Chinook salmon PSC would help ensure that participants in the Trawl C/P Sector monitor catch early in the year to ensure adequate Chinook salmon PSC remains later in the year. The Council considered but did not select a PSC limit for the trawl C/Ps of 50 percent of the annual limit, choosing the higher percentage based on supportive testimony of the trawl C/P representatives for applying 66 percent of the annual PSC limit. Additionally, the proposed seasonal apportionment would exceed the Trawl C/P Sector's annual average use of Chinook salmon PSC prior to June 1 by the Trawl C/P Sector from 2008 to 2012 of 2,057 Chinook salmon. NMFS determined that the annual average of 2,376 Chinook salmon or 66 percent of the annual PSC limit, represents a compromise between providing the long-term average catch for the Trawl C/P Sector of 71% or 2,564 fish.

The Council and NMFS considered but did not select alternatives that would have established seasonal allocations to the Rockfish Program CV and Non-Rockfish Program CV Sectors. These alternatives were not selected because Section 4.7.1 of the Analysis indicates that the Rockfish Program CV and Non-Rockfish Program CV Sectors typically have a more even distribution of Chinook salmon PSC use throughout the year. Therefore, the Council determined and NMFS agrees that it would not be necessary to constrain Chinook salmon PSC early in the year to ensure adequate Chinook salmon PSC remains later in the year.

Reallocation of Unused Chinook Salmon PSC From the Rockfish Program CV Sector to the Non-Rockfish Program CV Sector

As noted earlier in this preamble, it is likely that the proposed Chinook salmon PSC limit for the Rockfish

Program CV Sector would not constrain the sector's non-pollock harvests in most years. In contrast, the proposed Chinook salmon PSC limit of 2,700 for the Non-Rockfish Program CV Sector would have constrained the sector's non-pollock harvests during three of the seven years between 2007 and 2013 (see Table 1 and Section 4.7.1 in the Analysis) had the proposed PSC limit been in place. This proposed action would provide the opportunity for reallocations of unused Chinook salmon PSC to the Non-Rockfish Program CV Sector at two periods during the year. Under this proposed action, NMFS would reallocate all but 150 of the salmon that remain of the unused Chinook salmon PSC limit in the Rockfish Program CV Sector to the Non-Rockfish Program CV Sector on October 1. Depending on the amount reallocated, the additional Chinook salmon could allow Non-Rockfish Program CVs to continue fishing for an extended period of time if the Non-Rockfish Program CV Sector would have otherwise been constrained by its Chinook salmon PSC limit of 2,700 Chinook salmon. The Council selected this alternative to provide additional Chinook salmon PSC to address unanticipated events of high PSC encounters, for which the Non-Rockfish Program CVs would generally be unable to mitigate before reaching their PSC limit. The Non-Rockfish Program CV Sector does not operate under authority of the Rockfish Program and is not as likely to be able to voluntarily control or organize fleet behavior to adjust fishing patterns for avoiding Chinook salmon PSC.

The Council selected October 1 for reallocating Chinook salmon PSC to the Non-Rockfish Program CV Sector because of the timing and the value of the Pacific cod fall season fishery to the Non-Rockfish Program CV Sector. In some years, the Non-Rockfish Program CV Sector has high Chinook salmon PSC prior to May 1, which would reduce the amount of Chinook salmon PSC limit available from September through November, when most CVs have checked out of the Rockfish Program CR fishery. Also, the Council determined that by establishing a fixed annual date to reallocate unused Chinook salmon PSC, participants in the Rockfish Program CV Sector would have certainty regarding the timing of each reallocation, and would be able to focus on more important coordination of cooperative measures such as avoidance of Chinook salmon PSC.

The Council and NMFS recommended retaining a balance of 150 Chinook salmon for the Rockfish Program CV Sector on October 1 after considering the catch of Chinook salmon by Rockfish Program CVs after October 1. Based on the first seven years of the Central GOA Rockfish Program (2007 through 2013), 150 Chinook salmon would have been sufficient to support the sector's activity from October 1 through November 15, the last date that fishing is permitted under the Central GOA Rockfish Program (see Section 4.9 of the Analysis for additional information). Although 150 Chinook salmon may be more than the sector would need in most years, the Council determined and NMFS agrees that changing trends in Chinook salmon PSC use or groundfish fishing patterns could increase the demand for Chinook salmon PSC in this sector. Additionally, while the number of Rockfish Program CVs operating after October 1 is usually small, managing that fishery with less than 150 Chinook salmon PSC could close the sector. NMFS determined that the agency may be unable to open the directed fisheries for the Rockfish Program CV Sector if the post-reallocation Chinook salmon PSC for the Sector is set at less than 150 fish, particularly if the number of participating Rockfish Program CVs is uncertain or anticipated to increase beyond historical numbers.

This proposed rule would provide a final reallocation of any unused Chinook salmon PSC from the Rockfish Program CV Sector to the Non-Rockfish Program CV Sector on November 15. The Central GOA Rockfish Program closes by regulation on November 15. This final reallocation could provide some additional harvest opportunity to the Non-Rockfish Program CV Sector, depending on the amount reallocated, from November 15 through the end of the year (December 31). Reallocations to the non-Rockfish Program CV Sector, would not change (add to or subtract from) the incentive buffers proposed at § 679.21(i)(3)(i)(A) and (i)(3)(i)(C). Section 4.9 of the Analysis provides additional detail on the reallocation of Chinook salmon PSC.

Salmon Retention and the Prohibited Species Donation Program

This proposed rule would establish salmon retention requirements for the non-pollock trawl sectors, and would establish and modify existing salmon retention requirements for shoreside processors and stationary floating processors (SFPs) receiving non-pollock and pollock deliveries. To implement these proposed provisions, trawl CVs and tender vessels, shoreside processors or SFPs, and trawl C/Ps would each be subject to different salmon retention requirements.

This proposed action would require the operators of all CVs (i.e., the Rockfish Program CV and Non-Rockfish Program CV Sectors) and tender vessels to retain all salmon caught in the non-pollock trawl fisheries in the Western and Central GOA until those salmon are offloaded to a shoreside processor or SFP. This proposed action would also require shoreside processors and SFPs receiving non-pollock deliveries to retain all salmon until the number of salmon by species has been accurately recorded in the eLandings groundfish landing report. The combination of these two retention requirements will enable accurate reporting of salmon in eLandings at the processor. Salmon accounting at a processor may assist the industry in tracking and cooperatively managing its Chinook salmon PSC. At this time, observers are not available to collect data from salmon delivered with non-pollock groundfish to shoreside processors or SFPs. However, scientific data from salmon delivered with non-pollock groundfish to processors may be collected opportunistically for further study to assist with scientific research on the origin of salmon in the Western and Central GOA non-pollock trawl fisheries.

This proposed action would require the operators of vessels in the Trawl C/P Sector to retain all salmon until an observer has had the opportunity to collect scientific data or biological samples, and the number of salmon by species has been accurately recorded in the eLandings At-sea production report. This proposed requirement emphasizes the responsibility for an operator of a C/P to accommodate observer sampling tasks prior to discard. Data collected from observers onboard C/Ps would be used for stock of origin determinations (see Section 3.3.3 of the Analysis for additional detail on stock of origin sampling).

The salmon retention requirements in this proposed rule are intended to enable the collection of salmon genetic data in the non-pollock trawl fisheries and facilitate reporting of salmon bycatch at the processor. The proposed retention requirements for salmon in the non-pollock trawl fisheries would not modify the observer duties or the method by which NMFS calculates fleet-wide Chinook salmon PSC estimates. NMFS would continue to calculate Chinook salmon PSC numbers, and would manage PSC limits for Chinook salmon, using the existing system of extrapolating catch rates from observed vessels to the unobserved portion of the non-pollock trawl fleet (see Section 5.2.2 of the Analysis for

additional detail on determining Chinook salmon PSC use).

This proposed action would also amend regulations at § 679.21(h)(4) and (h)(5) governing salmon retention and discards for vessels directed fishing for pollock with trawl gear in the Western and Central GOA, and tender vessels, and processors taking deliveries from these vessels. The proposed changes are intended to clarify responsibilities and to avoid confusion, and to be consistent with the organization of salmon retention and discard regulations for the non-pollock trawl fisheries. The requirements for CVs and tender vessels in the pollock fishery are unchanged from the current retention requirements. Many of the CVs that participate in the non-pollock trawl fisheries also participate in the GOA directed pollock fishery. Current regulations at § 679.21(h)(4) combine requirements for vessel operators and processing operations. These combined requirements have caused some confusion for vessel operators delivering groundfish with regard to the responsibilities that apply to them versus the responsibilities that apply to shoreside processors and SFPs. Vessel operators are required only to deliver all salmon to a processor, however processors must accommodate provisions for observer sampling at the processing facility. Because NMFS has been informed by industry that these regulations are confusing, the proposed action would separate the responsibilities for vessel operators and processors in the pollock trawl fisheries to provide greater clarity.

The proposed rule also would separate the requirement for a processor to retain salmon until an observer has the opportunity to count the number of salmon, from the requirement to retain salmon until the shoreside processor or SFP has recorded the number of salmon by species in the eLandings groundfish landing report. The proposed organization of the retention requirements would apply to vessels directed fishing for pollock with trawl gear in the Western and Central GOA, and the tender vessels and processors taking deliveries from these vessels.

Salmon retained under this proposed action could not be kept for sale or personal use, and must be discarded or donated to the PSD program. Once salmon are counted and sampled at the processing plant, they may be donated to the PSD program, or they must be discarded. A list of participants in the salmon PSD program in the GOA is available from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov/ram/psd.htm.* Currently, the PSD program is available to participants in pollock and non-pollock groundfish fisheries. This proposed rule continues to provide the opportunity for non-pollock and pollock trawl fisheries to participate in the PSD program. See Section 2.3 of the Analysis for additional detail on the PSD program.

Implementation

The Council recommended that NMFS implement the proposed PSC limits by the start of the 2015 non-pollock trawl fishery (January 20, 2015). NMFS advised the Council that any new annual PSC accounting should be in place prior to January 20, 2015, for NMFS to apply annual catch accounting of Chinook salmon PSC to all sectors impacted by this action.

NMFS will publish the annual Chinook salmon PSC limits for the Non-Rockfish Program CV Sector, and Trawl C/P Sector in the proposed groundfish harvest specifications for the GOA after determining the amounts of Chinook salmon PSC used and whether the incentive buffer applies. If the incentive buffer thresholds for the Non-Rockfish Program CV or Trawl C/P Sectors at § 679.21(i)(3)(i)(A) and (i)(3)(i)(C) have been exceeded prior to publishing the proposed groundfish harvest specifications for the GOA, NMFS would propose the Chinook salmon PSC limits that will be available to each sector for the following year. If the incentive buffer thresholds have not been exceeded prior to publishing the proposed groundfish harvest specifications for the GOA, NMFS would propose Chinook salmon PSC limits of 3,600 or 4,080 for the Trawl C/P Sector, and 2,700 or 3,060 for the Non-Rockfish Program CV Sector and would establish the PSC limit for each sector in the final specifications.

Classification

Pursuant to sections 304(b) and 305(d) of the MSA, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 97, other provisions of the MSA, and other applicable law, subject to further consideration after the public comment period.

This proposed rule has been determined to be not significant for the purposes of Executive Order (E.O.) 12866.

An Initial Regulatory Flexibility Analysis (IRFA) was prepared for this action, as required by section 603 of the Regulatory Flexibility Act. The IRFA for this proposed rule describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the proposed action, why it is being considered, and the legal basis for this action are contained earlier in this preamble and are not repeated here. A summary of the IRFA follows. A copy of the IRFA is available from NMFS (see **ADDRESSES**).

The entities directly regulated by this proposed action are those federally permitted or licensed entities that participate in harvesting groundfish from the Federal or State-managed parallel non-pollock trawl fisheries of the Western and Central GOA. Fishing vessels are considered small entities if their total annual gross receipts, from all their activities combined, are less than $19.0 million. The analysis identified 70 CVs and C/Ps in 2011 that would be directly regulated by this action, 18 of which are small entities (all CVs). All C/Ps are either large entities or are affiliated with at least one of the following fishing cooperatives, all of which are defined as large entities: the AFA C/P cooperative for Bering Sea pollock, a Rockfish Program C/P cooperative in the GOA, an Amendment 80 cooperative, or a Bering Sea crab cooperative.

Although this action would modify regulations that directly regulate CVs and processors that participate in harvesting and processing groundfish from the Federal or State-managed parallel pollock trawl fisheries of the Western and Central GOA, the actions proposed are minor clarifications of existing regulatory requirements, and do not impose new or additional requirements that have not previously been analyzed and considered in the FRFA prepared for measures that implemented those requirements (77 FR 42629, July 20, 2012).

Shoreside processors or SFPs receiving groundfish caught by GOA trawl vessels would be required to retain salmon until the manager has recorded the number of salmon by species in the eLandings groundfish landing report (§ 679.21(h)(4)(ii)(B) and § 679.21(i)(5)(iii)). Based on the number of FPPs listed in the GOA and the BSAI (the best available data for groundfish processors receiving deliveries from these fisheries), as many as 100 processors receiving landings from either pollock or non-pollock groundfish trips could be regulated by this proposed regulation. Of these 100 processors, only 64 are estimated to be small entities. The estimate of the number of small entities is based on published data on employment and affiliations of each company and the address of the processing plant listed in each FPP. The address, indicating if the processing plant is located in a

community adjacent to the GOA, is used as a proxy for those processors that could receive deliveries of groundfish from GOA trawl fisheries. A seafood processor is considered to be a small entity if it has less than 500 employees; and that criteria was applied to the processors holding an FFP. This proposed amendment would have no effect or minimal effect on small processing entities, because it is clarifying existing reporting regulations for proper completion of the eLandings groundfish landing report.

An IRFA requires a description of any significant alternatives to the proposed action(s) that accomplish the stated objectives, are consistent with applicable statutes, and that would minimize any significant economic impact of the proposed rule on small entities. The preferred alternative chosen by the Council and proposed by NMFS has several elements: (1) Annual Chinook salmon PSC limits for the Trawl C/P, Rockfish Program CV, and Non-Rockfish Program CV Sectors; (2) an incentive buffer that would allow the annual Chinook salmon PSC limit for the Trawl C/P and Non-Rockfish Program CV Sectors to vary depending on the amount of Chinook salmon PSC taken in those fisheries in the previous year; (3) a seasonal limit on the amount of Chinook salmon PSC that could be taken in the Trawl C/P Sector prior to June 1 of each year; (4) the reallocation of unused Chinook salmon PSC from the Rockfish Program CV Sector to the Non-Rockfish Program CV Sector on October 1 and November 15 of each year; and (5) retention requirements to enable accurate reporting, ensure adequate catch accounting of Chinook salmon PSC, and to improve the collection of biological samples that could aid in the determination of stock of origin of Chinook salmon PSC in the non-pollock trawl fisheries.

During consideration of this action, the Council evaluated a number of alternatives to the preferred alternative, including: (1) No action; (2) a variety of different allocations of Chinook salmon PSC limits among the three sectors that were more and less restrictive than the alternative proposed in the this action; (3) PSC limits split between the Western and Central GOA; (4) no incentive buffer; (5) no reallocation between the Rockfish Program CV Sector to the Non-Rockfish Program CV Sector; and (6) no change in retention and discard requirements for all sectors in the Western and Central GOA non-pollock trawl fisheries. None of these alternatives met both the objectives of the action, and had a smaller impact on small entities.

The no action alternative would not have limited the Chinook salmon PSC for the non-pollock trawl fisheries, which would have failed to meet the principal objective of the proposed action. The GOA-wide limits of 10,000 and 12,500 would likewise have failed to significantly control Chinook salmon PSC, and therefore failed to balance the benefits of the action to the targeted Chinook salmon fisheries with the needs of non-pollock trawlers. The limit of 5,000 Chinook salmon would have imposed a greater burden on small entities by resulting in constraints on non-pollock trawl fishing beyond the preferred alternative. The Council recommended the preferred alternative because lower Chinook salmon PSC limits were unnecessarily constraining to the non-pollock trawl fisheries while larger Chinook salmon PSC limits did not provide the incentive to minimize Chinook salmon PSC to the extent practicable.

An alternative that would have assigned 51 percent of the total Chinook salmon PSC limit to trawl C/Ps and 49 percent to the trawl CVs was based on the 10-year historical use of PSC from these to operational types. This alternative was not selected because it did not reflect fishing conditions representative of the more recent 5-year historical period that included implementation of the Central GOA Rockfish Program, and the Amendment 80 Program. The alternative for lower Chinook salmon PSC limits to trawl CVs from applying the 10-year historical period of Chinook PSC (mostly small entities that operate in the Non-Rockfish Program CV Sector) would have caused a greater burden on directly regulated small entities than the preferred alternative. Dividing the Chinook salmon PSC limits between the Western GOA and Central GOA was rejected because this allocation method could result in small annual Chinook PSC limits that would be more likely to constrain fishing operations, and adversely affect directly regulated small entities more than the preferred alternative.

The Council and NMFS also considered not implementing an incentive buffer for the Trawl C/P and Non-Rockfish Program CV Sectors. The preferred alternative would provide an incentive buffer to directly regulated small entities in the Non-Rockfish Program CV Sector that would allow for the incentive buffer to apply to this sector's PSC limit in the following year. Without the incentive buffer, these operations would not be able to benefit from a higher PSC limit in the following year, which would result in greater potential for adverse impacts on directly regulated small entities than the preferred alternative.

In addition to the no action alternative, the Council considered two alternatives for reallocation of unused Chinook salmon PSC from the Rockfish Program CV Sector for use in the Non-Rockfish Program CV sector. These alternatives include (1) reallocation of all of the unused Chinook salmon PSC limit except for a range of 104 through 208 salmon by October 1; and (2) reallocating all unused Chinook salmon PSC limit remaining for the Rockfish Program CV Sector when the Central GOA Rockfish Program closes by regulation on November 15. The preferred alternative is a combination of reallocation alternatives that would allow a reallocation of all but 150 of the Chinook salmon PSC limit from the Rockfish Program CV Sector by October 1, and the remaining Rockfish Program CV Chinook salmon PSC limit by November 15.

Alternatives that did not permit a reallocation of Chinook salmon PSC would not allow unused amounts of the PSC limit to be made available to the directly regulated small entities in the Non-Rockfish Program CV Sector after October 1. Alternatives for reallocating Chinook salmon PSC considered by the Council and NMFS, other than the preferred alternative lacked the flexibility for all of the available PSC limit to be reallocated, or in sufficient amounts to prosecute the Central GOA Rockfish Program fisheries. Without the capability for reallocating Chinook salmon PSC as provided in this proposed rule, directly regulated small entities in the Non-Rockfish Program CV Sector may be subject to more frequent fishery closures.

The proposed action includes establishment of and modifications to salmon retention and discard requirements for pollock and non-pollock trawl vessels that would improve the quality of data collected on Chinook salmon PSC. The proposed salmon retention and discard requirements for trawl vessels would not be expected to adversely affect the small entities regulated by this action because they clarify existing regulatory requirements.

No new recordkeeping and reporting requirements have been identified for this action.

No duplication, overlap, or conflict between this proposed action and existing Federal rules has been identified.

Tribal Consultation

Executive Order (E.O.) 13175 of November 6, 2000 (25 U.S.C. 450 note), the Executive Memorandum of April 29, 1994 (25 U.S.C. 450 note), and the American Indian and Alaska Native Policy of the U.S. Department of Commerce (March 30, 1995) outline the responsibilities of NMFS in matters affecting tribal interests. Section 161 of Public Law 108–199 (188 Stat. 452), as amended by section 518 of Public Law 109–447 (118 Stat. 3267), extends the consultation requirements of E.O. 13175 to Alaska Native corporations.

NMFS is obligated to consult and coordinate with federally recognized tribal governments and Alaska Native Claims Settlement Act regional and village corporations on a government-to-government basis pursuant to E.O. 13175, which establishes several requirements for NMFS, including (1) to provide regular and meaningful consultation and collaboration with Indian tribal governments and Alaska Native corporations in the development of Federal regulatory practices that significantly or uniquely affect their communities, (2) to reduce the imposition of unfunded mandates on Indian tribal governments, and (3) to streamline the applications process for and increase the availability of waivers to Indian tribal governments. This Executive Order requires Federal agencies to have an effective process to involve and consult with representatives of Indian tribal governments in developing regulatory policies and prohibits regulations that impose substantial, direct compliance costs on Indian tribal communities.

Due to the expedited time frame of this action, NMFS will mail letters to all Alaska tribal governments, Alaska Native corporations, and related organizations when the Notice of Availability for Amendment 97 is published in the **Federal Register** to notify them of the opportunity to comment or request a consultation on this action.

Section 5(b)(2)(B) of E.O. 13175 requires NMFS to prepare a tribal summary impact statement as part of the final rule. This statement must contain (1) a description of the extent of the agency's prior consultation with tribal officials, (2) a summary of the nature of their concerns, (3) the agency's position supporting the need to issue the regulation, and (4) a statement of the extent to which the concerns of tribal officials have been met. If the Secretary of Commerce approves this proposed action, a tribal impact summary statement that summarizes and responds to issues raised on the proposed action—and describes the extent to which the concerns of tribal officials have been met—will be included in the final rule.

Collection-of-Information Requirements

This proposed rule contains references to collection-of-information requirements that have been reviewed and approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). The collections are listed below by OMB control number.

OMB 0648–0316

The Alaska PSC Program is mentioned in this proposed rule; however, the public reporting burden for this collection-of-information is not directly affected by this proposed rule.

OMB 0648–0515

The Alaska Interagency Electronic Report System is mentioned in this proposed rule; however, the public reporting burden for this collection-of-information is not directly affected by this proposed rule.

Send comments on these or any other aspects of the collection of information to NMFS at the **ADDRESSES** above, and by email to *OIRA_Submission@omb.eop.gov,* or fax to 202–395–7285. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number. All currently approved NOAA collections of information may be viewed at *http://www.cio.noaa.gov/services_programs/prasubs.html.*

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: June 18, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* and Pub. L. 108–447.

■ 2. In § 679.7, revise paragraph (b)(8) to read as follows:

§ 679.7 Prohibitions.

* * * * *

(b) * * *

(8) *Prohibitions specific to salmon discard in the Western and Central Reporting Areas of the GOA directed fisheries for groundfish.* Fail to comply with any requirements of §§ 679.21(h) and 679.21(i).

* * * * *

■ 3. In § 679.21,

■ a. Revise paragraphs (b)(2)(ii), (h) heading, and (h)(1), (4), and (5); and

■ b. Add paragraph (i) to read as follows:

§ 679.21 Prohibited species bycatch management.

* * * * *

(b) * * *

(2) * * *

(ii) After allowing for sampling by an observer, if an observer is aboard, sort its catch immediately after retrieval of the gear and, except for salmon prohibited species catch in the BS pollock fisheries and GOA groundfish fisheries under paragraphs (c), (h), or (i) of this section, or any prohibited species catch as provided (in permits issued) under the PSD program at § 679.26, return all prohibited species, or parts thereof, to the sea immediately, with a minimum of injury, regardless of its condition.

* * * * *

(h) *GOA Chinook Salmon PSC Management for pollock fisheries*—(1) *Applicability.* Regulations in this paragraph apply to vessels directed fishing for pollock with trawl gear in the Western and Central reporting areas of the GOA and processors receiving deliveries from these vessels.

* * * * *

(4) *Salmon retention.* (i) The operator of a vessel, including but not limited to a catcher vessel or tender, must retain all salmon until offload to a processing facility that takes the delivery.

(ii) The owner and the manager of a shoreside processor or SFP receiving pollock deliveries must retain all salmon until:

(A) The manager of a shoreside processor or SFP has accurately recorded the number of salmon by species in the eLandings groundfish landing report; and

(B) If an observer is present, the observer is provided the opportunity to count the number of salmon and to collect any scientific data or biological samples from the salmon.

(5) *Salmon discard.* Except for salmon under the PSD program at § 679.26, all

salmon must be discarded after the requirements at paragraph (h)(4)(ii) of this section have been met.

* * * * *

(i) *GOA Chinook Salmon PSC Management for non-pollock trawl fisheries*—(1) *Applicability.* Regulations in this paragraph apply to vessels directed fishing for groundfish species, other than pollock, with trawl gear in the Western and Central reporting areas of the GOA and processors receiving deliveries of groundfish, other than pollock, from catcher vessels.

(2) *Non-pollock trawl sectors.* The sectors identified in paragraph (i) of this section are:

(i) *Rockfish Program catcher vessel Sector.* For the purpose of accounting for the Chinook salmon PSC limit at paragraph (i)(3)(i)(B) of this section, the Rockfish Program catcher vessel Sector is any catcher vessel fishing for groundfish, other than pollock, with trawl gear in the Western or Central reporting areas of the GOA and operating under the authority of a Central GOA Rockfish Program CQ permit assigned to the catcher vessel sector;

(ii) *Trawl catcher/processor Sector.* For the purpose of accounting for the Chinook salmon PSC limits at paragraphs (i)(3)(i)(A) and (i)(3)(ii) of this section, the Trawl catcher/processor Sector is any catcher processor vessel fishing for groundfish, other than pollock, with trawl gear in the Western or Central GOA reporting areas and processing that groundfish at sea; and

(iii) *Non-Rockfish Program catcher vessel Sector.* For the purpose of accounting for the Chinook salmon PSC limit at paragraph (i)(3)(i)(C) of this section, the Non-Rockfish Program catcher vessel Sector is any catcher vessel fishing for groundfish, other than pollock, with trawl gear in the Western or Central reporting areas of the GOA and not operating under the authority of a Central GOA Rockfish Program CQ permit assigned to the catcher vessel sector.

(3) *GOA non-pollock trawl Chinook salmon PSC limits.* (i) NMFS establishes annual Chinook salmon PSC limits in the Central and Western reporting areas of the GOA for the sectors defined in paragraph (i)(2) of this section as follows:

For the following sectors defined at § 679.21(i)(2) . . .	The total Chinook salmon PSC limit in each calendar year is . . .	Unless, the use of the Chinook salmon PSC limit for that sector in a calendar year does not exceed . . .	If so, in the following calendar year, the Chinook salmon PSC limit for that sector will be . . .
(A) Trawl catcher/processor sector	3,600	3,120	4,080
(B) Rockfish Program catcher vessel sector	1,200	N/A	
(C) Non-Rockfish Program catcher vessel sector	2,700	2,340	3,060

(ii) For the Trawl catcher/processor Sector defined at § 679.21(i)(2)(ii):

(A) NMFS establishes a seasonal limit within the sector's annual Chinook salmon PSC limit that is available to the sector prior to June 1. If the Trawl catcher/processor Sector defined at § 679.21(i)(2)(ii) has an annual Chinook salmon PSC limit of 3,600 Chinook salmon, then the sector's seasonal limit prior to June 1 is 2,376 Chinook salmon. If the Trawl catcher/processor Sector defined at § 679.21(i)(2)(ii) has an annual Chinook salmon PSC limit of 4,080 Chinook salmon, then the sector's seasonal limit prior to June 1 is 2,693 Chinook salmon.

(B) The amount of Chinook salmon PSC available to the Trawl catcher/processor Sector defined at § 679.21(i)(2) on June 1 through the remainder of the calendar year will be the annual Chinook salmon PSC limit specified for the Trawl catcher/processor Sector minus the number of Chinook salmon used by that sector prior to June 1.

(4) *Rockfish Program catcher vessel Sector reallocation of Chinook salmon PSC.* (i) If, on October 1 of each year, the Regional Administrator determines that more than 150 Chinook salmon are available in the Rockfish Program catcher vessel Sector Chinook PSC limit specified at paragraph (i)(3)(i)(B) of this section, the Regional Administrator will reallocate all Chinook salmon PSC available to the Rockfish Program catcher vessel Sector except for 150 Chinook salmon to the Non-Rockfish Program catcher vessel Sector Chinook salmon PSC limit specified at paragraph (i)(3)(i)(C) of this section.

(ii) On November 15 of each year, the Regional Administrator will reallocate all of the remaining Chinook salmon available in the Rockfish Program catcher vessel Sector Chinook PSC limit specified at paragraph (i)(3)(i)(B) of this section to the Non-Rockfish Program catcher vessel Sector Chinook PSC limit specified at paragraph (i)(3)(i)(C) of this section.

(5) *Salmon retention.* (i) The operator of a catcher vessel or tender must retain all salmon until offload to a processing facility that takes the delivery.

(ii) The owner and manager of a shoreside processor or SFP receiving non-pollock fishery deliveries must retain all salmon until the number of salmon by species has been accurately recorded in the eLandings groundfish landing report.

(iii) The operator of a catcher/processor must retain all salmon until an observer is provided the opportunity to collect scientific data or biological samples, and the number of salmon by species has been accurately recorded in the eLandings At-sea production report.

(6) *Salmon discard.* Except for salmon under the PSD program defined at § 679.26, all salmon must be discarded after the requirements at paragraph (i)(5)(ii) or (iii) of this section have been met.

(7) *Chinook salmon PSC closures in non-pollock trawl gear fisheries.* If, during the fishing year, the Regional Administrator determines that:

(i) Vessels in a sector defined at § 679.21(i)(2) will catch the applicable Chinook salmon PSC limit specified at paragraph (i)(3)(i) of this section for that sector, NMFS will publish notification in the **Federal Register** closing directed fishing for all groundfish species, other than pollock, with trawl gear in the Western and Central reporting areas of the GOA for that sector; or

(ii) Vessels in the Trawl catcher/processor Sector defined at § 679.21(i)(2) will catch the seasonal Chinook salmon PSC limit specified under paragraph (i)(3)(ii)(A) of this section prior to June 1, NMFS will publish notification in the **Federal Register** closing directed fishing for groundfish species, other than pollock, with trawl gear in the Western and Central reporting areas of the GOA for

all vessels in the Trawl catcher/processor Sector defined at § 679.21(i)(2) until June 1. Directed fishing for groundfish species, other than pollock, with trawl gear in the Western and Central reporting areas of the GOA for vessels in the Trawl catcher/processor Sector defined at § 679.21(i)(2) will reopen on June 1 with the Chinook salmon PSC limit determined under paragraph (i)(3)(ii)(B) of this section unless NMFS determines that the amount of Chinook salmon PSC available to the sector is insufficient to allow the sector to fish and not exceed its annual Chinook salmon PSC limit.

[FR Doc. 2014–14726 Filed 6–24–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 122

Wednesday, June 25, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Adoption of Recommendations

AGENCY: Administrative Conference of the United States.

ACTION: Notice.

SUMMARY: The Administrative Conference of the United States adopted four recommendations at its Sixtieth Plenary Session. The appended recommendations address: Resolving FOIA Disputes Through Targeted ADR Strategies; Government in the Sunshine Act; Guidance in the Rulemaking Process; and ''Ex Parte'' Communications in Informal Rulemaking.

FOR FURTHER INFORMATION CONTACT: For Recommendation 2014–1, David Pritzker; for Recommendation 2014–2, Reeve Bull; for Recommendation 2014–3, Funmi Olorunnipa; and for Recommendation 2014–4, Emily Bremer. For all four of these actions the address and phone number are: Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW., Washington, DC 20036; Telephone 202–480–2080.

SUPPLEMENTARY INFORMATION: The Administrative Conference Act, 5 U.S.C. 591–596, established the Administrative Conference of the United States. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by Federal agencies and makes recommendations to agencies, the President, Congress, and the Judicial Conference of the United States for procedural improvements (5 U.S.C. 594(1)). For further information about the Conference and its activities, see *www.acus.gov.* At its Sixtieth Plenary Session, held June 5–6, 2014, the Assembly of the Conference adopted four recommendations.

Recommendation 2014–1, *Resolving FOIA Disputes Through Targeted ADR Strategies,* addresses more effective use of alternative dispute resolution (ADR) approaches to help resolve disputes arising under the Freedom of Information Act (FOIA). The OPEN Government Act of 2007 created the Office of Government Information Services (OGIS), a part of the National Archives and Records Administration, to assist in the resolution of FOIA disputes through use of mediation and other ADR techniques. The recommendation suggests ways that OGIS can maximize the effectiveness of its resources for this purpose. The recommendation also suggests steps agencies can take to prevent or resolve FOIA disputes, including cooperating with OGIS and making FOIA staff and requesters aware of OGIS services.

Recommendation 2014–2, *Government in the Sunshine Act,* highlights best practices designed to enhance transparency of decisionmaking at multi-member boards and commissions subject to the Government in the Sunshine Act. The recommendation urges covered agencies to provide a description of the primary mechanisms for conducting business, describe substantive business disposed of outside of open meetings subject to the Act (with appropriate protections for information made exempt from disclosure), and exploit new technologies to disseminate relevant information more broadly.

Recommendation 2014–3, *Guidance in the Rulemaking Process,* identifies best practices for agencies when providing guidance in preambles to final rules. It suggests ways that agencies can improve the drafting and presentation of these preambles, including making it easier to identify any guidance content. The recommendation also urges agencies to ensure that users of their Web sites can easily locate the required small entity compliance guides.

Recommendation 2014–4, *''Ex Parte'' Communications in Informal Rulemaking,* provides guidance and best practices to agencies for managing ''ex parte'' communications between agency personnel and nongovernmental interested persons regarding the substance of informal rulemaking proceedings conducted under 5 U.S.C. 553.

The Appendix below sets forth the full texts of these four recommendations. The Conference will transmit them to affected agencies, Congress, and the Judicial Conference of the United States. The recommendations are not binding, so the entities to which they are addressed will make decisions on their implementation.

The Conference based these recommendations on research reports that are posted at: *www.acus.gov/60th.* A video of the Plenary Session is available at the same Web address, and a transcript of the Plenary Session will be posted when it is available.

Dated: June 20, 2014.

Shawne C. McGibbon,

General Counsel.

APPENDIX—RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Administrative Conference Recommendation 2014–1

Resolving FOIA Disputes Through Targeted ADR Strategies

Adopted June 5, 2014

The Freedom of Information Act (FOIA) [1] makes available to any person, upon request, any reasonably described agency record that is not exempt under nine specified categories. Congress has stated: ''disclosure, not secrecy, is the dominant objective of the Act.'' [2] FOIA provides a two-level agency process for decisions on requests for access to agency records: (1) an initial determination that is ordinarily made by the component of the agency with primary responsibility for the subject matter of the request; and (2) an appeal to an authority under the head of the agency in the case of an adverse initial determination. A requester's formal recourse following an adverse determination on appeal (or the agency's failure to meet the statutory time limits for making a determination) is a suit in federal district court to challenge the agency action or inaction. Attaining the highest level of compliance at the agency level, without the need for resort to litigation, has long been recognized as a critical FOIA policy objective. A series of amendments to the Act over the years has provided for more detailed monitoring of agency compliance and

[1] 5 U.S.C. § 552, as amended.

[2] Openness Promotes Effectiveness in our National [OPEN] Government Act of 2007, Pub. L. No. 110–175, 121 Stat. 2524 (codified at 5 U.S.C. § 552), § 2(4). See also Presidential Memorandum of January 21, 2009, Freedom of Information Act, which stated, ''The [FOIA] should be administered with a clear presumption: In the face of doubt, openness prevails.'' 74 Fed. Reg. 4683 (Jan. 26, 2009).

established agency mechanisms to promote compliance. Despite these efforts, several hundred agency FOIA determinations adverse to requesters are challenged annually in federal courts,[3] and it is widely assumed that a substantial number of other non-compliant agency FOIA determinations are not taken to court by requesters, primarily for reasons of cost and delay that inhere in federal court litigation.

The Administrative Conference considered the potential value of ''alternative dispute resolution'' (ADR) in relation to FOIA disputes in 1987, at a time when federal agency use of ADR processes was not as common as today, and concluded that the data then available did not clearly establish the need for either an independent administrative tribunal to resolve FOIA disputes or the appointment of a FOIA ombudsman within the Department of Justice. However, the Conference noted that greater reliance on informal approaches to FOIA dispute resolution could result in more effective handling of some FOIA disputes without resort to court litigation.[4]

The OPEN Government Act of 2007 reflected concerns that some agencies, as a whole, were not implementing FOIA as Congress intended. Significantly, the 2007 legislation included, for the first time in FOIA's history, provisions that directed agency FOIA officers to ''assist in the resolution of disputes'' between the agency and a FOIA requester.[5] This legislation created in each agency the positions of a Chief FOIA Officer and FOIA Public Liaisons, and established the Office of Government Information Services (OGIS) in the National Archives and Records Administration, to perform a broad range of functions aimed at improving FOIA compliance and providing assistance to requesters. Those two developments are the only government-wide FOIA dispute resolution process changes subsequent to the earlier Administrative Conference study.

The Role of the Office of Government Information Services

OGIS has been in operation since September 2009. Acting, in effect, as a ''FOIA ombudsman,'' OGIS has a hybrid mission that includes: identifying and resolving individual FOIA disputes between requesters and agencies through mediation services; reviewing agency FOIA policies, procedures and compliance with FOIA; and making recommendations to Congress and the President to improve the administration of FOIA.

The Administrative Conference undertook a study in 2013 to examine the issues and other case characteristics that most commonly lead to litigated FOIA disputes, and to consider whether particular types of ADR approaches are likely to be especially effective in resolving identified types of FOIA cases or issues in an efficient and effective manner short of litigation. The current study reviewed FOIA cases closed in federal district courts in fiscal years 2010 through 2013 in order to categorize the bases for the most common types of FOIA lawsuits. Review of cases was supplemented by other case data and interviews with individuals whose experience with the FOIA process could give an understanding of the varying dimensions and perspectives of that process.

The Conference's study found wide variation in the form and substance of FOIA disputes between requesters and agencies, in the motivation, resources, and sophistication of requesters, and in the missions and the level of interest in agency records. The interplay of these variables has led to the conclusion that no simple formula for linking a particular set of case characteristics with particular ADR approaches is likely to be very fruitful. Instead, it appears that the most important targeting should be directed toward the dispute resolution mechanism itself. It is vital that OGIS, a mechanism external to the agencies that is open to all issues, all requesters, and all agencies, have appropriate FOIA dispute resolution authority, expertise, and resources.

In practice, OGIS's caseload is determined by whoever happens to contact OGIS, typically by telephone or e-mail inquiries, some of which come from individuals who have never filed a FOIA request. Often such individuals seek only modest help, such as where to file or what form to use to obtain the desired records or information. Many of these inquiries are handled routinely on the day they are received. OGIS classifies such contacts as ''Quick Hits.'' This service, along with the informational resources on the OGIS website, is frequently sufficient to assist the least sophisticated users of FOIA and should be continued. This is a low cost/high value function that has instant payoff for a broad constituency.

OGIS Caseload

Although many inquiries to OGIS are routine in nature, others are not. Also, the issues involved in an inquiry sometimes turn out to be more complicated than initially realized. In such cases, OGIS will gather information from the requester and make a preliminary assessment of the case, to decide whether it seems appropriate for an OGIS contact with the relevant agency to find out the status of the case and whether the agency has taken a position. Since the statute does not place any duty on the agency to participate in the OGIS mediation process, OGIS depends on agency cooperation. The relatively small fraction of agency denials that are appealed to the courts, together with agency success rates in FOIA litigation, may serve as a disincentive to agencies to participate meaningfully in a dispute resolution process at this point.

Although the Office of Information Policy (OIP) in the Department of Justice (DOJ) historically considered itself to have a role as ''FOIA ombudsman,'' the legislation that created OGIS clearly assigned a mediation role to OGIS and, in effect, a ''FOIA ombudsman'' responsibility.[6] Underlying this policy decision was the fact that DOJ, including OIP, historically had both a FOIA compliance promotion function and a responsibility to represent agencies in lawsuits arising under FOIA. Under the OPEN Government Act of 2007, OGIS has statutory responsibility to promote compliance but possesses no agency representation responsibilities.

OGIS has implemented its ombudsman responsibility through facilitating communications between a requester and the agency, helping the parties address factors contributing to delay, or actually engaging in a mediating process to achieve a resolution satisfactory to both sides. The recommendations addressed to OGIS that follow are intended to optimize the use of its resources. OGIS encourages requesters to complete the agency administrative appeal process prior to significant OGIS engagement, so as to give the agency an opportunity to reconsider its initial decision to deny a request. Whether or not a requester has exhausted the agency appeal process, if the unresolved portions of the request appear meritorious, OGIS assistance should focus on enabling the requester and the agency to engage in a discussion that resolves the dispute or deters litigation, either through reconsideration of the agency position or through the agency providing a fuller, more informative explanation for its position.

The OPEN Government Act of 2007, in addition to authorizing OGIS to provide mediation services to resolve FOIA disputes, provided that OGIS, at its discretion, may offer advisory opinions if mediation has not resolved the dispute.[7] However, OGIS has not yet chosen to exercise this authority.[8] The statutory linkage of OGIS advisory opinions to its mediation function is not ideal because a requester's or an agency's anticipation of OGIS's taking a public position in a particular case in which OGIS seeks to serve as a neutral mediator may discourage parties from participating in mediation. It therefore is important for OGIS to distinguish between expressing views on systemic issues or identifying broad trends or patterns and issuing advisory opinions that address the facts of individual cases it has sought to mediate. In appropriate cases, issuance of an advisory opinion may forestall potential litigation, and OGIS should make the parties aware of this authority.[9] Factors

[3] The year 2012 saw the highest number of FOIA requests in the history of the law: a striking 650,000 requests were filed with agencies throughout the Executive Branch by individuals and organizations seeking government information. Data from the Administrative Office of the United States Courts indicate that the number of FOIA cases has varied within a range of 280 to 388 over fiscal years 2007 through 2013. Annual agency FOIA litigation costs hover around $23 million—a conservative estimate by some accounts.

[4] *See* ACUS Statement #12, 52 Fed. Reg. 23,636 (June 24, 1987).

[5] OPEN Government Act of 2007, *supra* note 2, 5 U.S.C. § 552(a)(6)(B)(ii).

[6] However, the legislation (OPEN Government Act of 2007, *supra* note 2) does not use the term ''FOIA ombudsman.''

[7] 5 U.S.C. § 552(h)(3).

[8] Although either the requester or the agency could ask OGIS for an advisory opinion, OGIS should have discretion to determine whether to initiate the advisory opinion process. An OGIS decision whether or not to issue an advisory opinion would likely not be subject to judicial review. *See* Heckler v. Chaney, 470 U.S. 821 (1985). The statute expressly uses the phrase, ''at the discretion of the Office.''

[9] OGIS has described its advisory opinion authority as follows: ''OGIS also is authorized to

Continued

such as potential breadth of application and frequency of occurrence of an issue, along with consideration of caseload manageability, should be among the primary, though not the exclusive, determinants for OGIS in deciding whether or not to initiate the advisory opinion process. An OGIS advisory opinion might receive judicial consideration in a FOIA suit in which the advisory opinion is before a court, whether in the dispute which led to the opinion or another in which that issue is raised.[10]

Role of FOIA Public Liaisons

The FOIA Public Liaison role in each agency was created by the OPEN Government Act of 2007 specifically to foster assistance to FOIA requesters. Preventing or resolving FOIA disputes within agencies through the work of Public Liaisons advances the goals of the Act and can relieve the dispute resolution burden of both OGIS and the courts. These agency officials should be given adequate authority and support from agency leadership for carrying out their statutory dispute resolution function, including appropriate training.

Agency FOIA Public Liaisons, under the direction of their Chief FOIA Officers, should be encouraged to seek OGIS mediation or facilitation services at any stage in the processing of a request when it appears to the agency that OGIS engagement may aid in the resolution of a request. In such cases, if the requester agrees to participate, OGIS should make its services available whether or not the appeals process has been exhausted or any applicable time limit has expired. This opportunity for agency engagement of OGIS recognizes that (a) once an agency has made a final determination on a request it is less likely than a requester to seek OGIS assistance, and (b) agency-sought OGIS engagement may provide one of the most fruitful settings in which to obtain an informal resolution.[11] Whether or not an agency chooses to seek OGIS assistance, each agency, in any appeal determination letter in which a request is denied in whole or in part, should notify the requester of the availability of OGIS mediation or facilitation services as a non-exclusive alternative to litigation.[12]

Congress and the Executive Branch should recognize the largely distinct dispute resolution and compliance promotion roles of OGIS, agency Chief FOIA Officers, and the Department of Justice, as a collective set of administrative mechanisms sharing the goal of avoiding unnecessary FOIA litigation.

Recommendation

Recommendations to the Office of Government Information Services (OGIS)

1. OGIS, a part of the National Archives and Records Administration, should continue to provide its ''Quick Hit'' service and the informational resources on its website, as principal means of assisting the least sophisticated users of the Freedom of Information Act (FOIA).

2. Requesters may appropriately seek assistance from OGIS at any stage of the FOIA process. However, because the opportunity for a FOIA appeal within the agency is an important component of the process, OGIS should continue to encourage requesters to complete that step prior to significant OGIS engagement.

3. OGIS should continue to provide both facilitation and mediation assistance to requesters and agencies, depending on the nature of the issues in dispute.

(a) For delay issues, OGIS assistance should focus on practical steps that, with agency cooperation, might facilitate processing of the request.

(b) For substantive issues, whether or not the requester has exhausted the agency appeal process, if the unresolved portions of the request appear meritorious, OGIS assistance should focus on enabling the requester and the agency to engage in a discussion that resolves the dispute without litigation, either through agency reconsideration of its position or through provision of a more informative explanation of the agency's decision.

4. In appropriate situations, OGIS should make use of its statutory, discretionary authority to issue advisory opinions. In implementing this authority, OGIS should distinguish between issuance of an advisory opinion in connection with (a) a systemic issue or identification of a broad trend or pattern, and (b) application of FOIA to the facts of an individual case, for which OGIS taking a position on an issue could be perceived to undercut its ability to act as a neutral mediator. Factors such as potential breadth of application, frequency of occurrence of an issue, and caseload manageability should be among the primary, though not the exclusive, determinants for OGIS's decision whether to initiate the advisory opinion process.

5. To the extent that agency and OGIS resources permit, OGIS should consider ways to acquire better data from both agencies and requesters on the kinds of issues that have led to recurring or protracted FOIA disputes. Such efforts may include working with agencies and others to create a database of consistent information on litigated issues. It may also be useful for OGIS to contact former litigants to gain a better understanding of their awareness and usage of OGIS or other sources of dispute resolution services.

Recommendations to Agencies

6. All agencies, acting in a spirit of cooperation, should affirmatively seek to prevent or resolve FOIA disputes to the greatest extent possible. In addition, all agencies, through their FOIA Public Liaisons under the direction of their Chief FOIA Officers, should seek OGIS mediation or facilitation services at any stage in the processing of a request when it appears to the agency that OGIS engagement may aid in the resolution of that request. As early in the dispute resolution process as possible, the agency should provide the requester and OGIS with sufficient detail about its position to enable the requester to make a knowledgeable decision on whether to pursue the request further.

7. All agencies, in any appeal determination letter in which a request is denied in whole or in part, should notify the requester of the availability of OGIS mediation or facilitation services as a non-exclusive alternative to litigation. Agency websites and FOIA regulations should call attention to the dispute resolution services available from OGIS.

8. All agencies should take steps to maximize the effectiveness of their FOIA Public Liaisons in fulfilling the dispute resolution function that the Act assigns to Public Liaisons. Agency websites, as well as initial response letters to FOIA requests, should call attention to the problem resolution assistance available from Public Liaisons. In addition, agency leadership should provide adequate authority and support to Public Liaisons and should ensure they receive necessary training, including in dispute resolution, and are made aware of the services offered by OGIS.

9. Upon request by the Director of OGIS, all agencies should cooperate fully with OGIS efforts to mediate or otherwise facilitate the resolution of individual FOIA disputes. Similarly, agencies should cooperate with efforts by OGIS to obtain consistent and comparable data relating to FOIA litigation, to the extent permitted by law and agency resources.

Administrative Conference Recommendation 2014–2

Government in the Sunshine Act

Adopted June 5, 2014

In the late 1960s and 1970s, in the wake of increasing public vigilance concerning the

issue advisory opinions, formal or informal. By issuing advisory opinions, OGIS does not intend to undertake a policymaking or an adjudicative role within the FOIA process, but instead will illuminate novel issues and promote sound practices with regard to compliance with FOIA.'' *Available at https://ogis.archives.gov/about-ogis/ogis-reports/the-first-year/the-ogis-mission.htm.*

[10] *See* United States v. Mead Corp., 533 U.S. 218 (2001) (holding that a court may find persuasive, to some degree, the reasoning of an agency position that itself is not entitled to judicial deference under Chevron U.S.A. v. Natural Resources Defense Council, Inc., 467 U.S. 837 (1984)).

[11] OGIS has described its relationship with agency FOIA Public Liaisons as follows:

While the OPEN Government Act's definition of a [FOIA Public Liaison (FPL)] is simple and straightforward, we know that the reality of their positions is anything but. Some agencies have created new FPL positions that are completely dedicated to assisting requesters and resolving disputes. Other agencies—many of them smaller agencies—added the FPL tasks listed in the Act to the already-full plate of someone within the FOIA shop. We've also found that FPLs have a variety of approaches to their job, including everything from agitating for change within agencies to reiterating the party line.

http://blogs.archives.gov/foiablog/2011/06/09/whats-a-foia-public-liaison.

[12] OGIS itself has recommended such notice in the following form:

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation.

Available at https://ogis.archives.gov/about-ogis/working-with-ogis/Standard-OGIS-Language-for-Agencies.htm. OIP also has encouraged agencies to follow this practice. *Available at http://www.justice.gov/oip/foiapost/2010foiapost21.htm.*

activities of government sparked by the Vietnam War and Watergate, Congress passed and the President signed a series of transparency laws designed to promote greater accountability and transparency in government decisionmaking. The Government in the Sunshine Act, enacted in 1976, focused specifically on the transparency of meetings of multi-member agencies.[1] For any meeting involving a quorum of board or commission members, the agency must announce the event at least seven days in advance in the *Federal Register* and, with certain exceptions, permit attendance by interested members of the public.[2]

Notwithstanding its broad title, the Government in the Sunshine Act applies only to agencies that are headed by a group of board or commission members rather than an individual chairperson.[3] In addition to the Act's enumerated exceptions,[4] there are many ways of conducting business that fall outside its ambit. Specifically, any discussion among a group of agency members smaller than a quorum does not trigger the Act.[5] The Act also does not apply when members communicate with one another and reach a decision via the exchange of written documents, a procedure known as ''notational voting.'' [6]

The research conducted for the project shows that some boards and commissions dispose of a significant amount of business via means that are not subject to the Sunshine Act, relying especially heavily upon notational voting. For instance, of 32 agencies surveyed in connection with that research, 14 (approximately 40%) reported that they disposed of more than 75% of matters using that procedure, though the frequency with which it is used varies significantly from agency to agency.[7] As a consequence, many government transparency advocates have argued that some agencies undermine the spirit of the Sunshine Act by relying excessively on methods of conducting business that fall outside of its scope.[8] Many agencies, in turn, contend that they could not operate efficiently were they required to reach all substantive decisions in full agency meetings, especially those conducted in public.[9]

The Administrative Conference has addressed the Sunshine Act on two occasions, issuing recommendations designed to address concerns relating to the Act's negative effects on collegial interactions among board and commission members, on the one hand, and to agencies' overreliance upon means of conducting business that fall outside the Act's scope, on the other. In 1984, the Conference recommended that ''agency members be permitted some opportunity to discuss the broad outlines of agency policies and priorities . . . in closed meetings, when the discussions are preliminary in nature or pertain to matters . . . which are to be considered in a public forum prior to final action.'' [10] In 1995, a special committee convened by the Conference recommended that Congress establish a pilot program (lasting from five to seven years) that would allow members to meet privately so long as they provide a detailed summary of the meeting no later than five days after it has occurred.[11] In exchange, pilot program participants would agree to refrain from using notational voting on ''important substantive matters,'' instead addressing those issues in open meetings, and would ''hold open public meetings, to the extent practicable, at regular intervals, at which it would be in order for members to address issues discussed in private sessions or items disposed of by notation.'' [12] Due to the temporary closure of the Administrative Conference shortly after the special committee issued its report, this recommendation was never forwarded to the full Assembly for consideration in Plenary Session.[13]

In the surveys conducted for this project, although agency officials express many of the same frustrations with the operation of the Sunshine Act that they voiced in the prior Administrative Conference studies,[14] they indicated that they generally are able to conduct business under the existing regime.[15] Though governmental transparency advocates would prefer that agencies render more of their decisionmaking in open meetings, curtailing or eliminating the use of notational voting in all circumstances would prove disruptive to agencies' ability to function effectively.[16] At the same time, agencies can achieve greater transparency within the existing framework by apprising the public of their decisionmaking procedures and providing notice of business transacted outside of open meetings. In particular, agencies can exploit technological advances in order to disseminate information widely without incurring unreasonable costs.[17] This recommendation highlights a number of best practices undertaken by agencies covered by the Act and encourages other agencies to consider these innovations and implement them as appropriate, while preserving agency discretion to tailor the proposals to fit the needs of their individual programs.[18]

[1] Pub. L. No. 94–409, 90 Stat. 1241 (1976) (5 U.S.C. § 552b (2006)).

[2] 5 U.S.C. § 552b.

[3] There are approximately 70 such agencies in the federal government. Richard K. Berg, Stephen H. Klitzman, & Gary J. Edles, An Interpretive Guide to the Government in the Sunshine Act 259–63 (2d ed. 2005); David E. Lewis & Jennifer L. Selin, Sourcebook of United States Executive Agencies 127 (ACUS 1st ed., 2d printing 2013).

[4] 5 U.S.C. § 552b(c).

[5] *See id.* § 552b(a)(2) (defining ''meeting'' as any gathering featuring deliberations of ''at least the number of individual agency members required to take action on behalf of the agency''); *see also* S. Rep. No. 94–354, at 19 (1975).

[6] Commc'ns Sys., Inc. v. Fed. Commc'ns Comm'n, 595 F.2d 797, 798–99, 801 (D.C. Cir. 1978).

[7] Reeve T. Bull, *The Government in the Sunshine Act in the 21st Century* 57 (Mar. 10, 2014) (citing research conducted by Professor Bernard Bell), *available at http://acus.gov/report/final-Sunshine-Act-report.*

[8] *Id.* at 25.

[9] *Id.* at 19–20.

[10] Administrative Conference of the United States, Recommendation 84–3, ¶ 2, 49 Fed. Reg. 29,942 (July 25, 1984).

[11] Administrative Conference of the United States, *Report and Recommendation by the Special Committee to Review the Government in the Sunshine Act,* 49 Admin. L. Rev. 421, 427 (1997) (the meeting summary ''would indicate the date, time, participants, [and] subject matters discussed, and [would contain] a review of the nature of the discussion'').

[12] *Id.* at 427–28. In 1984, the Administrative Conference similarly recommended that Congress ''should consider whether the present restrictions on closing agency meetings are advisable'' and examine statutory changes that might promote greater collegiality among board and commission members without materially undermining governmental transparency. Administrative Conference of the United States, Recommendation 84–3, *Improvements in the Administration of the Government in the Sunshine Act,* 49 Fed. Reg. 29,942 (July 25, 1984).

[13] A pilot program along the lines of the 1995 recommendation permitting one or more agencies to hold private meetings would provide empirical evidence concerning whether such a policy change would promote collegiality without undermining the Act's overarching purpose of promoting transparency. The research for the instant recommendation in no way suggested that such a pilot program would be infeasible or undesirable, and, if some agencies are interested in participating, Congress may wish to authorize such a program and track the results to determine whether to expand it to all covered agencies. The Conference remains interested in revisiting the 1995 proposal, and, if adopted, the pilot program would ideally include multiple agencies, given that the dynamics vary from agency to agency.

[14] For instance, several agency officials expressed uncertainty concerning the ability of members to hold preliminary discussions or to conduct ''brainstorming'' sessions and voiced concern that the Act may impede collegiality. *See* Bull, *supra* note 7, at 52–55, 64–67. The obligations of the Sunshine Act present special challenges for agencies having three members, either from their structure or from vacancies, insofar as any substantive discussion amongst two members of the agency can trigger the Act.

[15] *Id.* at 17, 19–22. In light of the absence of applicable caselaw, this recommendation does not address the lawfulness of email and other electronic exchanges amongst board or commission members under the Sunshine Act.

[16] *Id.* at 19–20.

[17] Recommendation 4 urges agencies to consider providing webcasts or audiocasts of open meetings. In so doing, they should ensure that they achieve full compliance with the Section 508 Amendment to the Rehabilitation Act of 1973, which requires that electronically furnished information promote access to persons with disabilities. 29 U.S.C. § 794d. For example, the Department of Homeland Security has developed a webcasting forum, the Homeland Security Information Network, that allows agencies to webcast meetings and provides simultaneous captioning so as to ensure access for persons with hearing impairments. Bull, *supra* note 7, at 33–34. Agencies should explore the use of new technologies to provide ready access to meeting materials for individuals who otherwise might be geographically constrained from participating in the agencies' work.

[18] Recommendation 5 encourages agencies to post online any transcripts or meeting minutes prepared by or for the agencies. The Administrative Conference takes no position on whether agencies should reserve the right to post a transcript online whenever they contract with a private entity to prepare a transcript for an open meeting. In connection with Recommendation 6, the Conference notes that, consistent with the Freedom of Information Act and Government in the Sunshine Act, agencies need not disclose information protected by other statutes. 5 U.S.C. §§ 552(b)(3), 552b(c)(3).

Recommendation

1. Each covered agency should develop and publicly release a succinct advisory document that discusses the mechanisms for attending and participating in open meetings and discloses the agency's procedures for closing meetings and the Sunshine Act exceptions upon which the agency typically relies. It should also describe the types of business the agency typically conducts outside of open meetings (including business conducted via notational voting) and how the results are revealed to the public. Each such agency should post a copy of this document on its Web site and in other places at which it can be accessed by interested members of the public.

2. For open meetings, covered agencies should post a meeting agenda on their Web sites as far in advance of the meeting as possible. Except for documents that may be exempt from disclosure under the Freedom of Information Act, agencies should also post in advance all documents to be considered during the meeting. When an agency cannot post non-exempt meeting documents in advance, it should do so not later than the start of the meeting or in a timely manner after the meeting has occurred.

3. Covered agencies should create email listservs, RSS feeds, or other electronic distribution mechanisms so as to provide timely notification for interested stakeholders and members of the public and an opportunity to receive meeting notices and other announcements relevant to upcoming meetings subject to the Sunshine Act.

4. Covered agencies should consider providing webcasts or audiocasts of open meetings. Such agencies should consider providing real-time streaming video of open meetings, if practicable, and in any event, should consider providing a webcast after the meeting has occurred that will be archived on the agency Web site for a reasonable period of time.

5. For all open meetings for which meeting minutes or transcripts are prepared by or for the covered agencies in the ordinary course of business, such agencies should endeavor to post these documents online in a timely manner after the meeting.

6. Except for information that may be exempt from disclosure under the Freedom of Information Act or the Government in the Sunshine Act, covered agencies should provide a summary description of business disposed of in closed meetings or via notational voting. The description should provide a brief summary of ultimate conclusions that the agency reached (e.g., the results of votes taken via notation procedure) but need not describe individual statements made during such meetings or other predecisional elements of the preceding discussions.

Administrative Conference Recommendation 2014–3

Guidance in the Rulemaking Process

Adopted June 6, 2014

Over the past two decades, the use of guidance—nonbinding statements of interpretation, policy, and advice about implementation—by administrative agencies has prompted significant interest from Congress, executive branch officials, agency officials, and commentators. Most of this attention has been directed to ''guidance documents,'' freestanding, nonbinding statements of policy and interpretation issued by agencies. While such guidance is often helpful to the public and is normally to be encouraged, commentators and the Administrative Conference have expressed concern that agencies too often rely on guidance in ways that circumvent the notice-and-comment rulemaking process.[1] The long-standing debate about guidance and its relationship to notice-and-comment rulemaking has, however, largely overlooked consideration of the function and varieties of *contemporaneous guidance*—that is, guidance that agencies provide about the meaning and purpose of their rules at the time those rules are issued.[2]

Contemporaneous guidance appears in three main forms. First, agencies provide guidance about the meaning and application of their rules in explanatory ''statement[s] of their basis and purpose,''[3] statements that constitute the bulk of the ''preambles'' issued with final rules. Second, agencies sometimes provide guidance in the regulatory text itself, in the form of notes and examples, and more general guidance in appendices that appear in the Code of Federal Regulations (CFR). Third, when agencies promulgate their regulations, they sometimes also issue freestanding guidance documents. Contemporaneous guidance furthers the legal value of notice; it furnishes the public and regulated entities with the agency's understanding of its regulations at the time of issuance, as opposed to later in time or in the context of an enforcement proceeding.

The Administrative Conference commissioned a study of agencies' current practices in providing contemporaneous guidance and the law applicable to this form of guidance.[4] This Recommendation and the underlying report identify a set of best practices for agencies in providing guidance in preambles to final rules,[5] as well as some problems in agencies' current practices in providing contemporaneous guidance. The report also describes the law applicable to guidance provided in preambles to final rules, regulatory text, and separate guidance documents.

This Recommendation builds upon two prior Conference recommendations with regard to the use of guidance by agencies. Administrative Conference Recommendation 76–5, *Interpretive Rules of General Applicability and Statements of General Policy,*[6] identified the benefits of providing notice and an opportunity to comment prior to the agency's adoption of guidance (sometimes called ''non-legislative'' rules) for both an agency and potentially affected parties. In Recommendation 92–2, *Agency Policy Statements,* the Conference advised agencies to impose binding standards or obligations only through use of the legislative rulemaking procedures of the Administrative Procedure Act (APA), typically the notice-and-comment process, and reiterated the importance of allowing parties an opportunity to challenge the wisdom of the policy statement prior to its application.[7] The Office of Management and Budget's *Final Bulletin for Agency Good Guidance Practices* (*OMB's Good Guidance Bulletin*),[8] adopted in 2007, reflects the concerns identified in these prior recommendations; the *Bulletin* obliges covered agencies to provide a means for public feedback on significant guidance documents and to undertake notice-and-comment procedures before issuing economically significant guidance, among other things. Neither of the Conference's prior recommendations nor *OMB's Good Guidance Bulletin* specifically addresses the guidance that agencies provide in preambles to final rules or in text that appears in the CFR.

This Recommendation addresses a number of issues regarding agencies' current practices by isolating ways in which agencies' presentation and drafting of preambles can be improved so that guidance contained therein is more helpful and more accessible. First, some preambles do not include the issuing agency's statement of the purposes of the rules adopted in light of the statute's objectives. That absence reduces the usefulness of these statements in providing even the most basic guidance about the meaning and applicability of the rules. It also ignores the APA's requirement that agencies accompany a final rule with a statement of the rule's ''basis and purpose.'' Second, the length of preambles to many major rules makes locating preambular guidance difficult, particularly where a preamble is written as narrative discussion without clear structure. Third, in their preambles to final rules, many agencies incorporate or rely upon discussions of the basis and purpose of the rule provided in the notice of proposed rulemaking or other prior notices. This practice can save time and costs for agencies in preparing preambles, but it also requires affected parties to integrate two or more agency treatments of the rule's basis and

[1] Administrative Conference of the United States, Recommendation 92–2, *Agency Policy Statements,* 57 Fed. Reg. 30101, 30103–04 (July 8, 1992).

[2] *See* Kevin M. Stack, Guidance in the rulemaking process: evaluating preambles, regulatory text, and freestanding documents as vehicles for regulatory guidance at 2 (May 16, 2014) (Final Report to the Administrative Conference of the U.S.), available at *http://www.acus.gov/sites/default/files/documents/Guidance%20in%20the%20Rulemaking%20Process%20Revised%20Draft%20Report%205_16_14%20ks%20final.pdf* [hereinafter Stack Report].

[3] 5 U.S.C. § 553(c) (2012).

[4] *See* Stack Report, *supra* note 2.

[5] The underlying study and this Recommendation address preambles to final rules, not preambles to other documents such as a notice of proposed rulemaking (NPRM). However, some of the recommendations herein may nonetheless have some application to preambles to NPRMs.

[6] Administrative Conference of the United States, Recommendation 76–5, *Interpretive Rules of General Applicability and Statements of General Policy,* 41 Fed. Reg. 56767, 56769–70 (Dec. 30, 1976).

[7] Recommendation 92–2, *supra* note 1, at 30103–04.

[8] Office of Management and Budget, *Final Bulletin for Agency Good Guidance Practices,* 72 Fed. Reg. 3432, 3439 (Jan. 25, 2007), *available at http://www.gpo.gov/fdsys/pkg/FR-2007-01-25/pdf/E7-1066.pdf.*

purpose. Fourth, many agencies do not mention preambles on their Web pages and in other compilations of guidance, nor do they integrate the guidance content of preambles into their indices or topical treatments of guidance. This does not assist the public and regulated entities in integrating the guidance provided in preambles with other guidance documents. Fifth, displaying electronic versions of regulations with hyperlinks to relevant portions of their preambles and other guidance—a practice with which some agencies are experimenting [9]—could make it easier to find this content, and holds promise for future innovation.

A separate but equally important concern for preamble drafting is that some agencies include statements in preambles to final rules that appear to create binding standards or obligations as opposed to making those statements in the regulatory text. In this respect, this Recommendation highlights that the prohibition against agencies making statements in guidance documents in forms that appear to be binding also applies to statements in preambles.[10]

Many agencies have policies on issuing guidance documents, but these policies do not generally address preambles and other forms of contemporaneous guidance. The Conference encourages agencies to include contemporaneous guidance within these policies as a step toward better integrating these forms of guidance with other guidance materials. This Recommendation also highlights that for agencies covered by *OMB's Good Guidance Bulletin,* the guidance content of their preambles should comply with the *Bulletin.*

Finally, the Small Business Regulatory Enforcement Fairness Act of 1996 [11] requires that when agencies produce small business compliance guides, those guides be posted on the agency Web site in an ''easily identified location.'' [12] Despite this requirement, these guides are often difficult to find on agency Web pages. The Recommendation highlights this statutory requirement and urges greater agency attention to it with the assistance of the Small Business Administration.

Recommendation

Drafting of Preambles to Final Rules

1. In the statement of basis and purpose accompanying a final rule, agencies should address how the rule advances statutory objectives. Such discussion should go beyond merely repeating the text or title of the statute.

2. Agencies should consider including, particularly for lengthy regulations, a section-by-section analysis in the preamble in which the organization of the preambular discussion corresponds to the organization of the final rules themselves. Such section-by-section analyses should go beyond merely repeating the regulatory text discussed.

3. When agencies incorporate or rely upon discussions of a rule's basis and purpose from prior notices, such as from the notice of proposed rulemaking, they should be mindful that such incorporation and reliance may make it more burdensome for readers to find all relevant information.

4. Agencies should not use the preamble as a substitute for regulatory language. Agencies should avoid use of mandatory language in the preambles to final rules, unless an agency is using these words to describe a statutory, regulatory, or constitutional requirement, or the language is addressed to agency staff and will not foreclose agency consideration of positions advanced by affected parties. Such language should be understood to include not only mandatory terms such as ''shall,'' ''must,'' ''required,'' and ''requirement,'' mentioned in the *OMB Final Bulletin for Agency Good Guidance Practices* (*OMB's Good Guidance Bulletin*), but also any other language that appears to impose substantive standards or obligations.

Policies on Guidance and Collections of Guidance

5. Agencies should mention preambles to their final rules as sources of guidance in their general compilations of guidance and on their webpages devoted to guidance. Agencies should also consider ways to integrate the guidance content of their preambles into their general compilations of guidance and on their webpages devoted to guidance.

6. To the extent agencies have policies on issuing guidance, those policies should assess and clearly state how they address the guidance content of preambles to their final rules. For agencies covered by *OMB's Good Guidance Bulletin,* their policies should address compliance with the *Bulletin* with respect to any significant and economically significant guidance included in preambles to final rules.

Electronic Presentation of Regulations

7. The Office of the Federal Register and the Government Printing Office are encouraged to work with agencies to develop ways to display the Code of Federal Regulations in electronic form in order to enhance its understanding and use by the public, such as developing reliable means of directing readers to relevant guidance in preambles to rules and to other relevant guidance documents.

Small Entity Compliance Guides

8. Agencies should reassess how they are displaying the small entity compliance guides on their websites to ensure that these guides are in an ''easily identified location,'' as required by Small Business Regulatory Enforcement Fairness Act of 1996.

9. The Small Business Administration should work with agencies to develop guidelines for posting small entity compliance guides on agency websites in ways that make them easily identifiable.

Administrative Conference Recommendation 2014–4

''Ex Parte'' Communications in Informal Rulemaking

Adopted June 6, 2014

Informal communications between agency personnel and individual members of the public have traditionally been an important and valuable aspect of informal rulemaking proceedings conducted under section 4 of the Administrative Procedure Act (APA), 5 U.S.C. § 553. Borrowing terminology from the judicial context, these communications are often referred to as ''ex parte'' contacts.[1] Although the APA prohibits ex parte contacts in formal adjudications and formal rulemakings conducted under the trial-like procedures of 5 U.S.C. §§ 556 and 557,[2] 5 U.S.C. § 553 imposes no comparable restriction in the context of informal rulemaking. The term ''ex parte'' does not entirely fit in this non-adversarial context, and some agencies do not use it. This recommendation uses the term because it is commonly used and widely understood in connection with informal rulemaking. As used in this recommendation, ''ex parte communications'' means: (i) Written or oral communications; (ii) regarding the substance of an anticipated or ongoing rulemaking; (iii) between the agency personnel and interested persons; and (iv) that are not placed in the rulemaking docket at the time they occur. It bears emphasizing that such communications ''are completely appropriate so long as they do not frustrate judicial review or raise serious questions of fairness.'' [3]

In Recommendation 77–3,[4] the Conference expressed the view that a general prohibition on ex parte communications in the context of informal rulemaking proceedings would be undesirable, as it would tend to undermine the flexible and non-adversarial procedural

[9] *See, e.g., http://www.consumerfinance.gov/eregulations/1005* (visited April 15, 2014) (providing a copy of 12 CFR Part 1004 with hyperlinks to section-by-section analysis from regulatory preamble and other navigation tools and links).

[10] *See OMB's Good Guidance Bulletin, supra* note 8, at 3440 (directing agencies not to use mandatory language in guidance documents); Recommendation 92–2, *supra* note 1, at 30103–04 (advising against making binding statements in policy statements).

[11] *See* Pub. L. No. 104–121, 110 Stat. 873, codified at 5 U.S.C. § 601 nt., § 212 (2012) (requiring the production of compliance guides whenever the agency must produce a regulatory flexibility analysis under 5 U.S.C. § 605(b), and quoting § 605(b)).

[12] *Id.* § 212(a)(2(A).

[1] In the judicial context, ''ex parte'' contacts are those that are related to the subject of a lawsuit and occur between just one of the parties involved and the presiding judge, usually ''without notice to or argument from the adverse party.'' Black's Law Dictionary (9th ed. 2009). Unless otherwise authorized by law, such contacts are generally viewed as highly unethical.

[2] *See* 5 U.S.C. § 557(d).

[3] Home Box Office, Inc. v. Federal Commc'ns Comm'n, 567 F.2d 9, 57 (D.C. Cir. 1977); *see also* Sierra Club v. Costle, 657 F.2d 298, 400–01 (D.C. Cir. 1981).

[4] Recommendation 77–3 emerged from a select committee the Conference convened in response to the D.C. Circuit's groundbreaking decision in *Home Box Office. See* Nathaniel L. Nathanson, *Report to the Select Committee on Ex Parte Communications in Informal Rulemaking Proceedings,* 30 Admin. L. Rev. 377, 377 (1978). Following the recommendation's adoption, the Supreme Court decided *Vermont Yankee Nuclear Power Corp.* v. *Natural Resources Defense Council, Inc.,* 435 U.S. 519, 524 (1978), admonishing federal courts not to impose on administrative agencies procedural requirements beyond those contained in the APA. *See* Nathanson, 30 Admin L. Rev. at 406–08.

framework established by 5 U.S.C. § 553.[5] At the same time, the Conference concluded, it may be appropriate for agencies to impose certain restraints on ex parte communications to prevent potential or perceived harm to the integrity of informal rulemaking proceedings. Although the law has evolved since Recommendation 77–3 was adopted, these basic principles remain valid. Over the past several decades, agencies have implemented Recommendation 77–3 by experimenting with procedures designed to capture the benefits of ex parte communications while reducing or eliminating their potential harm. This recommendation draws on this substantial experience to identify best practices for managing ex parte communications received in connection with informal rulemakings.

Ex parte communications, which may be oral or written, convey a variety of benefits to both agencies and the public. Although the rulemaking process has largely transitioned to electronic platforms in recent years, most ex parte contacts continue to take the form of oral communications during face-to-face meetings. These meetings can facilitate a more candid and potentially interactive dialogue of key issues and may satisfy the natural desire of interested persons to feel heard. In addition, if an agency engages in rulemaking in an area that implicates sensitive information, ex parte communications may be an indispensable avenue for agencies to obtain the information necessary to develop sound, workable policies.[6]

On the other hand, ex parte communications can pose several different kinds of harm (both real and perceived) to the integrity of the rulemaking process. One difficulty is that certain people or groups may have, or be perceived to have, greater access to agency personnel than others. This unfairness, whether real or perceived, may be exacerbated if agency personnel do not have the time and resources to meet with everyone who requests a face-to-face meeting. Another concern is that agency decisionmakers may be influenced by information that is not in the public rulemaking docket. The mere possibility of non-public information affecting rulemaking creates problems of perception and undermines confidence in the rulemaking process. When it becomes reality, it creates different and more serious problems. Interested persons may be deprived of the opportunity to vet the information and reply to it effectively. And reviewing courts may be deprived of information that is necessary to fully and meaningfully evaluate the agency's final action.

Best practices for preventing the potential harms of ex parte communications may vary depending on the stage of the rulemaking process during which the communications occur. Before an agency issues a Notice of Proposed Rulemaking (NPRM), few if any restrictions on ex parte communications are desirable.[7] Communications during this early stage of the process are less likely to pose the harms described above and can help an agency gather essential information, craft better regulatory proposals, and promote consensus building among interested persons.[8] After an NPRM has been issued and during the comment period, there may be a heightened expectation that information submitted to the agency will be made available to the public. Indeed, during this time period, an agency's comment policy and its policy addressing ex parte communications may both apply.[9] Finally, once the comment period closes, the dangers associated with agency reliance on privately-submitted information become more acute. Interested persons may be particularly keen to discuss with the agency information provided in comments by other persons filed at or near the close of the comment period. Agencies have in some circumstances disclosed significant new information received through such communications and reopened the comment period. This solution is not costless, however, and has the potential to significantly delay a proceeding.

This recommendation focuses on how agencies can best manage ex parte communications in the context of informal rulemaking proceedings, including those that involve ''quasi-adjudication among 'conflicting private claims to valuable privilege.' '' [10] It does not address several related or peripheral issues. First, it does not evaluate formal or hybrid rulemakings or proceedings in which agencies voluntarily use notice-and-comment procedures to develop guidance documents. Second, it does not address ex parte communications in the executive review process, including before the Office of Information and Regulatory Affairs (OIRA).[11] Third, it does not examine interagency communications outside the process of executive review. Fourth, it does not address intraagency interactions between an agency's staff and its decisionmakers.[12] Finally, it does not address unique issues that may arise in connection with communications between agencies and members of Congress, foreign governments, or state and local governments.

Recommendation

''Ex Parte'' Policies

1. Each agency that conducts informal rulemaking under 5 U.S.C. § 553 should have a written policy explaining how the agency handles what this recommendation refers to as nongovernmental ''ex parte'' communications, even if the agency does not use that term.

2. Agency ex parte policies should:

(a) Provide guidance to agency personnel on how to respond to requests for private meetings to discuss issues related to a rulemaking.

(b) Explain the scope of their coverage, which should be limited to communications on substantive matters and should exclude non-substantive inquiries, such as those regarding the status of a rulemaking or the agency's procedures.

(c) Establish procedures for ensuring that, after an NPRM has been issued, the occurrence and content of all substantive oral communications, whether planned or unplanned, are included in the appropriate rulemaking docket.

(d) Establish procedures for ensuring that, after an NPRM has been issued, all substantive written communications are included in the appropriate rulemaking docket.

(e) Explain how the agency will treat significant new information submitted to the agency after the comment period has closed.

(f) Identify deadlines for all required or requested disclosures of ex parte communications.

(g) Explain how the agency will treat sensitive information submitted in an ex parte communication.

(h) Explain how the agency's ex parte communications policy interacts with its comment policy.

3. In formulating policies governing ex parte communications in informal rulemaking proceedings, agencies should consider the following factors:

(a) The stage of the rulemaking proceeding during which oral or written communications may be received.

(b) The need to ensure that access to agency personnel is provided in a balanced, viewpoint-neutral manner.

(c) Limitations on agency resources, including staff time, that may affect the ability of agency personnel to accept requests for face-to-face meetings or prepare summaries of such meetings.

(d) The likelihood that protected information will be submitted to the agency through oral or written ex parte communications.

[5] *See* Admin. Conf. of the United States, Recommendation 77–3, *Ex Parte Communications in Informal Rulemaking Proceedings,* 42 Fed. Reg. 54,253 (Oct. 5, 1977).

[6] In such areas, interested persons may be willing to share essential information with the agency only through face-to-face, private conversations, and agency personnel may be subject to severe penalties for not keeping the information shared with them confidential. *See, e.g.,* 26 U.S.C. § 6103 (addressing confidentiality and disclosure of tax returns and tax return information). Of course, agencies may protect information from disclosure only to the extent permitted or required by law.

[7] Recognizing these principles, the Clinton Administration directed agencies ''to review all . . . administrative ex parte rules and eliminate any that restrict communication prior to the publication of a proposed rule,'' with the limited exception of ''rules requiring the simple disclosure of the time, place, purpose, and participants of meetings.'' *See* Memorandum for Heads of Departments and Agencies, Regulatory Reinvention Initiative (Mar. 4, 1995), *available athttp://www.acus.gov/memorandum/regulatory-reinvention-initiative-memo-1995.* This memorandum, which has never been revoked, continues to inform agency practice.

[8] *See id.*

[9] The Conference recently addressed agency comment policies. *See* Admin. Conf. of the United States, Recommendation 2011–2, *Rulemaking Comments,* 76 Fed. Reg. 48,791 (Aug. 9, 2011).

[10] *Sierra Club,* 657 F.2d at 400 (quoting Sangamon Valley Television Corp. v. United States, 269 F.2d 221 (D.C. Cir. 1959)). In such ''quasi-adjudicatory'' rulemakings, due process considerations may justify insulating the decisionmaker from ex parte contacts. *See id.*

[11] *See* Admin. Conf. of the United States, Recommendation 88–9, *Presidential Review of Agency Rulemaking,* 54 Fed. Reg. 5207 (Feb. 2, 1989); Admin. Conf. of the United States, Recommendation 80–6, *Intragovernmental Communications in Informal Rulemaking Proceedings,* 45 Fed. Reg. 86,407 (Dec. 31, 1980).

[12] *See* 5 U.S.C. § 557(d).

(e) The possibility that, even if an agency discourages ex parte communications during specified stages of the rulemaking process, such communications may nonetheless occur.

(f) The potential need to give agency personnel guidance about whether or to what extent to provide information to persons not employed by the agency during a face-to-face meeting.

Communications Before an NPRM Is Issued

4. Agencies should not impose restrictions on ex parte communications before an NPRM is issued.

5. Agencies may, however, disclose, in accordance with ¶ 8 of this recommendation, the occurrence or content of ex parte communications received before an NPRM is issued, as follows:

(a) In the preamble of the later-issued NPRM or other rulemaking document; or

(b) In the appropriate rulemaking docket once it is opened.

Communications After an NPRM Has Been Issued

6. If an agency cannot accommodate all requests for in-person meetings after an NPRM has been issued, it should consider holding a public meeting (which may be informal) in lieu of or in addition to individual, private meetings.

7. After an NPRM has been issued, agencies should disclose to the public:

(a) The occurrence of all oral ex parte communications, including the identity of those involved in the discussion and the date and location of the meeting.

(b) The content of all oral ex parte communications through a written summary filed in the appropriate rulemaking docket. Agencies may either:

(i) Direct their own personnel to prepare and submit the necessary summary; or

(ii) Request or require private persons to prepare and submit the necessary summary of meetings in which they have participated, although it remains the agency's responsibility to ensure adequate disclosure.

(c) All written submissions, in the appropriate rulemaking docket.

Additional Considerations after the Comment Period Has Closed

8. Agencies should determine whether, and under what circumstances, ex parte communications made after the close of the comment period should be permitted and, if so, how they should be considered.

9. If an agency receives, through an ex parte communication, any significant new information that its decisionmakers choose to consider or rely upon, it should disclose the information and consider reopening the comment period, to provide the public with an opportunity to respond.

10. When an agency receives a large number of requests for ex parte meetings after the comment period has closed, it should consider using a reply comment period or offering other opportunities for receiving public input on submitted comments. *See* Admin. Conf. of the United States, Recommendation 2011–2, *Rulemaking Comments* ¶ 6, 76 Fed. Reg. 48,791 (Aug. 9, 2011) (encouraging the use of reply comment periods and other methods of receiving public input on previously submitted comments).

Quasi-Adjudicatory Rulemakings

11. If an agency conducts ''quasi-adjudicatory'' rulemakings that involve conflicting private claims to a valuable privilege, its ex parte communications policy should clearly and distinctly articulate the principles and procedures applicable in those rulemakings.

12. Agencies should explain whether, how, and why they are prohibiting or restricting ex parte communications in quasi-adjudicatory rulemakings. Agencies may conclude that ex parte communications in this context require a different approach from the one otherwise recommended here.

13. Agencies should explain and provide a rationale for any additional procedures applicable to ex parte communications received in quasi-adjudicatory rulemakings.

Accommodating Digital Technology

14. Agencies should consider how digital technology may aid the management or disclosure of ex parte communications. For example, agencies may be able to use technological tools such as video teleconferencing as a cost effective way to engage with interested persons.

15. Agencies should avoid using language that will inadvertently exclude ex parte communications made via digital or other new technologies from their policies.

16. Agencies should state clearly whether they consider social media communications to be ex parte communications and how they plan to treat such communications. Agencies should ensure consistency between policies governing ex parte communications and the use of social media.

[FR Doc. 2014–14878 Filed 6–24–14; 8:45 am]

BILLING CODE 6110–01–P

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of July 9 Advisory Committee on Voluntary Foreign Aid Meeting

AGENCY: United States Agency for International Development.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Committee on Voluntary Foreign Aid (ACVFA).

Date: Wednesday, July 9, 2014.

Time: 2:00 p.m.–4:00 p.m.

Location: Horizon Room, Ronald Reagan Building.

Purpose

The Advisory Committee on Voluntary Foreign Aid (ACVFA) brings together USAID and private voluntary organizations (PVO) officials, representatives from universities, international nongovernment organizations (NGOs), U.S. businesses, and government, multilateral, and private organizations to foster understanding, communication, and cooperation in the area of foreign aid.

Agenda

USAID Administrator Rajiv Shah will make opening remarks, followed by panel discussions among ACVFA members and USAID leadership on the Global Development Lab. The full meeting agenda will be forthcoming on the ACVFA Web site at *http://www.usaid.gov/who-we-are/organization/advisory-committee.*

Stakeholders

The meeting is free and open to the public. Persons wishing to attend should register online at *http://ow.ly/wlC6G.*

FOR FURTHER INFORMATION CONTACT: Jayne Thomisee, 202–712–5506.

Dated: June 18, 2014.

Jayne Thomisee,

Executive Director & Policy Advisor, U.S. Agency for International Development.

[FR Doc. 2014–14836 Filed 6–24–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 19, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by July 25, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and

Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commentors are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Commercial Use of Woodsy Owl Symbol—36 CFR part 272.

OMB Control Number: 0596–0087.

Summary of Collection: Part 272 of Title 36 CFR authorizes the Chief of the Forest Service to approve commercial use of the Woodsy Owl symbol and to collect royalty fees for such use. An individual or corporation may apply for a Woodsy Owl license by contacting Forest Service personnel by telephone, fax, and email or by writing. The Forest Service National Symbols Coordinator will evaluate the data to determine if an individual corporation, or organization, requesting a license to use the Woodsy Owl symbol commercially should be granted a license or, if currently licensed, to determine the royalty fee the licensed entity must pay to the agency based on a percentage of the licensee's total sales and whether the licensed entity has met its stated objectives.

Need and Use of the Information: FS will collect information to determine how long the individual, corporation, or organization has been in business; the products the individual, corporation, or organization sells or plans to see; the geographical location from which the products will be sold; the projected sales volume; and how the individual, corporation, or organization plans to market the products. If information is not collected royalty fees would not be collected in keeping with federal cash management policies, and quantity of merchandise objectives would not be effectively monitored.

Description of Respondents: Business or other for-profit.

Number of Respondents: 21.

Frequency of Responses: Recordkeeping; Reporting: Quarterly.

Total Burden Hours: 114.

Forest Service

Title: Generic Information Collection and Clearance of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 0596–0226.

Summary of Collection: Executive Order 12862 directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector. Improving Forest Service (FS) programs requires ongoing assessment of service delivery, by which we mean systematic review of the operation of a program compared to a set of explicit or implicit standards, as a means of contributing to the continuous improvement of the program.

Need and Use of the Information: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between FS and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence, the results are likely to have such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Description of Respondents: Farms; Business or other for-profit; Not-for-profit Institutions and State, Local or Tribal Government.

Number of Respondents: 3,500,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 875,000.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–14829 Filed 6–24–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Prince of Wales Island Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Prince of Wales Island Resource Advisory Committee (RAC) will meet in Craig, Alaska. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the title II of the Act. The meeting is open to the public. The purpose of the meeting is to review and recommend projects authorized under Title II of the Act.

DATES: The meetings will be held July 10, 11 and 31, August 6, and 28, September 25, and October 23, 2014 at 10:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Craig Ranger District, 504 9th Street, Craig, Alaska. If you wish to attend via teleconference, please call 907–826–3271 for instructions.

Written comments may be submitted as described under **SUPPLEMENTARY**

INFORMATION. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Craig Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Rebecca Sakraida, RAC Coordinator, by phone at 907–826–1616 or via email at *rsakraida@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday. Please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accomodation for access to the facility or procedings by contacting the person listed above.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf.* The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by June 30, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Matthew Anderson, Designated Federal Official, P.O. Box 500, Craig, Alaska 99921; or by email to *mdanderson@fs.fed.us,* or via facsimile to 907–826–2972.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: June 16, 2014.

Matthew D. Anderson,

District Ranger.

[FR Doc. 2014–14809 Filed 6–24–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Fremont and Winema Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The Fremont and Winema Resource Advisory Committee (RAC) will meet in Lakeview, Oregon. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The meetings are open to the public. The purpose of the meetings is FACA orientation, project presentations, and caucus voting (prioritization meeting).

DATES: The meetings will be held from 9:00 a.m. to 5:00 p.m. on the following dates:

- July 11–12, 2014
- July 18–19, 2014
- July 25–26, 2014

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meetings will be held at the Lakeview Interagency Building, Main Conference Rooms, 1301 South G Street, Lakeview, Oregon. Video Teleconferencing will be available upon request, but not recommended due to the limitations for general discussion.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Lakeview Interagency Building. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Michael Tighe, Designated Federal Officer, by phone at 541–947–6246 or via email at *mtighe@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *http://facadatabase.gov/committee/committee.aspx?cid=2266&aid=171.* The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by July 1, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Michael Tighe, Designated Federal Officer, 1301 South G Street, Lakeview, Oregon 97630; by email at *mtighe@fs.fed.us* or via facsimile to 541–947–6250.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: June 17, 2014.

Eric Watrud,

Acting Forest Supervisor.

[FR Doc. 2014–14803 Filed 6–24–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Eastern Arizona Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Eastern Arizona Resource Advisory Committee (RAC) will meet in Springerville, Arizona. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The meeting is open to the public. The purpose of the meeting is to review and recommend projects authorized under title II of the Act.

DATES: The meeting will be held July 22, 2014 beginning at 9 a.m. until 4 p.m.,

and continuing if necessary, on July 23, 2014 at 9 a.m. until approximately 4 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Apache-Sitgreaves National Forests Supervisor's Office conference room, located at 30 South Chiricahua Drive, Springerville, Arizona 85938.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Apache-Sitgreaves National Forests Supervisor's Office, 30 South Chiricahua Drive, Springerville, Arizona 85938. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Joe Vieth, RAC Program Coordinator, Eastern Arizona Resource Advisory Committee by phone at 928–333–6261or via email at *jvieth@fs.fed.us*.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *http://www.fs.usda.gov/asnf*. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by July 15, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Joe Vieth, RAC Program Coordinator, Apache-Sitgreaves NF, 30 South Chiricahua Drive, Springerville, Arizona 85938; or by email to *jvieth@fs.fed.us*, or via facsimile to 928–333–5966.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: June 17, 2014.

James E. Zornes,

Designated Federal Official.

[FR Doc. 2014–14810 Filed 6–24–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Eleven Point Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The Eleven Point Resource Advisory Committee (RAC) will meet in Winona, Missouri. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The meetings are open to the public. The purpose of the meetings is to review proposed projects to make recommendations for 2014 Title II funds.

DATES: The meetings will be held at 6:30 p.m. on the following dates:

- August 5, 2014
- August 12, 2014

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meetings will be held at the Twin Pines Conservation Education Center located on US Highway 60, Route 1, Box 1998, Winona, Missouri. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Mark Twain National Forest (NF) Supervisors Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Richard Hall, RAC Coordinator, by phone at 573–341–7404 or via email at *rrhall@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday. Please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed above.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural-schools.nsf.* The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by August 3, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Richard Hall, 401 Fairgrounds Road, Rolla, Missouri 65401; by email to *rrhall@fs.fed.us,* or via facsimile to 573–364–6844.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: June 18, 2014.

William B. Nightingale,

Forest Supervisor.

[FR Doc. 2014–14776 Filed 6–24–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341

et seq.), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below.

Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[6/4/2014 through 6/19/2014]

Firm name	Firm address	Date accepted for investigation	Product(s)
Peck & Hale, LLC	180 Division Avenue, West Sayville, NY 11796.	6/19/2014	The firm manufactures cargo securing systems and equipment.
Serec Corporation	342 Compass Circle, Unit A2, North Kingston, RI 02852.	6/19/2014	The firm manufactures a variety of industrial and precision cleaning equipment.
Chem-Tron Painting & Powder Coating, Inc.	92 Taylor Street, Danbury, CT 06810	6/19/2014	The firm provides powder coating and painting to a variety of industries.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: June 19, 2014.

Michael DeVillo,

Eligibility Examiner.

[FR Doc. 2014–14811 Filed 6–24–14; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–501]

Welded Carbon Steel Standard Pipe and Tube Products From Turkey: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: In response to a request by interested parties,[1] the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on welded carbon steel standard pipe and tube products (welded pipe and tube) from Turkey.[2] The period of review is May 1, 2012, to April 30, 2013. This review covers the following companies: Borusan Holding A.S., Borusan Istikbal Ticaret T.A.S., Borusan Lojistik Dagitim Depolama Tasimacilik ve Tic A.S., Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Cayirova Boru Sanayi ve Ticaret A.S., ERBOSAN Erciyas Boru Sanayi ve Ticaret A.S., Guven Celik Boru San. ve Tic. Ltd., Guven Steel Pipe, Metaleks Celik Urunleri San. ve Tic. Ltd. Sti., Metaliks Celik Urunkeri San. ve Tic. Ltd., The Borusan Group, Toscelik Metal Ticaret A.S., Toscelik Profil ve Sac Endustisi A.S., Toscelik Profil ve Sac Endustrisi A.S., Tosyali Dis Ticaret A.S., Umran Celik Boru Sanayii A.S., Umran Steel Pipe Inc., Yucel Boru ve Profil Endustrisi A.S, Yucelboru Ihracat Ithalat ve Pazarlama A.S., and Yucel Group. The Department preliminarily finds that all of the aforementioned firms had no shipments, with the exception of Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and Toscelik Profil ve Sac Endustrisi A.S.[3] We preliminarily determine that Borusan made U.S. sales below normal value, and that Toscelik did not make U.S. sales below normal value. The preliminary results are listed below in the section titled ''Preliminary Results of Review.''

DATES: Effective Date: June 25, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Baker, Victoria Cho, or Robert James at (202) 482–2924, (202) 482–5075, or (202) 482–0649, respectively; AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is welded pipe and tube. The welded pipe and tube subject to the order is currently classifiable under subheading 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheading is provided for convenience and customs purposes. A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and

[1] Wheatland Tube Company, United States Steel Corporation, and Borusan Mannesmann Boru Sanayi ve Ticaret AS.

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 38924 (June 28, 2013) (*Initiation Notice*). The *Initiation Notice* inadvertently referenced the incorrect order title. *See id.* The **Federal Register** notice and memorandum accompanying these preliminary results use the original and correct order title, as reflected in the original 1985 order. *See Antidumping Duty Order; Welded Carbon Steel Standard Pipe and Tube Products from Turkey,* 51 FR 17784 (May 15, 1986).

[3] In prior segments of this proceeding, we have treated Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Borusan Istikbal Ticaret T.A.S., and Borusan Lojistik Dagitim Depolama Tasimacilik ve Tic A.S. as the same legal entity. *See, e.g.,* customs message number 4008308, dated January 8, 2014. We preliminarily determine that there is no evidence on the record for altering such treatment of these parties, referred to collectively as ''Borusan.'' In prior segments of this proceeding we have also treated Toscelik Profil ve Sac Endustrisi A.S., Toscelik Metal Ticaret A.S., and Tosyali Dis Ticaret A.S. as the same legal entity. *See, e.g.,* customs message number 4021306, dated January 21, 2014. Based on information on the record of this review, we have preliminarily determined that Toscelik Metal Ticaret A.S. ceased existence prior to the POR. *See* the October 31, 2013 questionnaire response of Toscelik Profil ve Sac Endustrisi A.S. and Tosyali Dis Ticaret A.S. at 3. Therefore, for these preliminary results, we treat only Toscelik Profil ve Sac Endustrisi A.S. and Tosyali Dis Ticaret A.S. as the same legal entity, referred to collectively as ''Toscelik.''

Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Welded Carbon Steel Standard Pipe and Tube Products from Turkey; 2012–2013 Administrative Review'' (Preliminary Decision Memorandum), which is hereby adopted by this notice. The written description is dispositive.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Methodology

The Department has conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act.

To determine the appropriate comparison method, the Department applied a ''differential pricing'' analysis and has preliminarily determined to use the average-to-transaction method to calculate the weighted-average dumping margin for Borusan, and the average-to-average method to calculate the weighted-average dumping margin for Toscelik.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

Preliminary Determination of No Shipments

The following companies submitted letters to the Department indicating they had no shipments, sales, or entries of subject merchandise during the POR: Metaleks Celik Urunleri San. ve Tic. Ltd. Sti., on July 2, 2013; ERBOSAN Erciyas Boru Sanayi ve Ticaret A.S., on July 29, 2013; Umran Celik Boru Sanayii A.S. and Umran Steel Pipe Inc., on August 5, 2013; Guven Celik Boru San. ve Tic. Ltd. and Guven Steel Pipe, on August 7, 2013; and Cayirova Boru Sanayi ve Ticaret A.S., Yucel Boru ve Profil Endustrisi A.S, Yucelboru Ihracat Ithalat ve Pazarlama A.S., self-identified as the Yucel Group companies, on March 27, 2014.

On April 8, 2014, the Department issued a ''No Shipment Inquiry'' to U.S. Customs and Border Protection (CBP) to confirm that there were no entries of welded pipe and tube from Turkey produced and/or exported by the aforementioned companies during the POR. CBP did not respond to our inquiry with any indication that merchandise had entered during the POR that was produced and/or exported by the companies referenced in the inquiry. In addition, we obtained other documentation from CBP that supports the conclusion that there were no such entries during the POR for the companies in question.

Based on the certifications, CBP's lack of a positive response to our inquiry, and analysis of the other information on the record referenced above, we preliminarily determine the aforementioned companies identified in the Department's inquiry to CBP had no shipments during the POR. However, consistent with our practice, the Department finds that it is not appropriate to rescind the review with respect to those companies, but rather to complete the review with respect to them, and to issue appropriate instructions to CBP based on the final results of this review.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the weighted-average dumping margins for the period May 1, 2012, through April 30, 2013, are as follows:

Producer or exporter	Weighted-average dumping margin (percent)
Borusan Mannesmann Boru Sanayi ve Ticaret A.S.[4]	1.28
Toscelik Profil ve Sac Endustrisi A.S.[5]	0.00

Disclosure and Public Comment

The Department will disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.[6] Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs no later than 30 days after the date of publication of this notice.[7] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[8] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9] Case and rebuttal briefs should be filed using IA ACCESS.[10] In order to be properly filed, IA ACCESS must successfully receive an electronically-filed document in its entirety by 5 p.m. Eastern Time.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via IA ACCESS, within 30 days after the date of publication of this notice.[11] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

The Department will issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of the administrative review, the Department

[4] Also includes Borusan Istikbal Ticaret T.A.S. and Borusan Lojistik Dagitim Depolama Tasimacilik ve Tic A.S.

[5] Also includes Tosyali Dis Ticaret A.S.

[6] *See* 19 CFR 351.224(b).

[7] *See* 19 CFR 351.309(c)(ii).

[8] *See* 19 CFR 351.309(d).

[9] *See* 19 CFR 351.309(c)(2) and (d)(2).

[10] *See* 19 CFR 351.303.

[11] *See* 19 CFR 351.310(c).

shall determine, and CBP shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

If Borusan's or Toscelik's weighted-average dumping margins are not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). Where either a respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Borusan and Toscelik will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for other manufacturers and exporters covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 14.74 percent, the all-others rate established in the LTFV investigation.[12] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 18, 2014.

Ronald Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Preliminary Determination of No Shipments
5. Comparisons to Normal Value
6. Product Comparisons
7. Date of Sale
8. Export Price
9. Normal Value
10. Currency Conversion
11. Recommendation

[FR Doc. 2014–14856 Filed 6–24–14; 8:45 am]

BILLING CODE 3510–DS–P

[12] *See Antidumping Duty Order; Welded Carbon Steel Standard Pipe and Tube Products From Turkey,* 51 FR 17784, 17784 (May 15, 1986).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–423–808]

Stainless Steel Plate in Coils From Belgium: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective:* June 25, 2014.

SUMMARY: The Department of Commerce (Department) is currently conducting an administrative review of the antidumping duty order on stainless steel plate in coils (steel plate) from Belgium, covering the period of review (POR) May 1, 2012, through April 30, 2013. This review covers one producer/exporter of the subject merchandise, Aperam Stainless Belgium N.V. (ASB). We preliminarily determine that, during the POR, ASB and its affiliate, Aperam Stainless Services and Solutions USA (Aperam USA) made U.S. sales that were below normal value. We invite interested parties to comment on these preliminary results.

FOR FURTHER INFORMATION CONTACT: Jolanta Lawska or Cindy Robinson, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–8362 or (202) 482–3797, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The product covered by the *Order*[1] is certain stainless steel plate in coils. Stainless steel is alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled.[2] The merchandise subject to this order is currently classifiable in the harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 7219.11.00.30, 7219.11.00.60, 7219.12.00.02, 7219.12.00.05, 7219.12.00.06, 7219.12.00.20, 7219.12.00.21, 7219.12.00.25, 7219.12.00.26, 7219.12.00.50, 7219.12.00.51, 7219.12.00.55, 7219.12.00.56, 7219.12.00.65, 7219.12.00.66, 7219.12.00.70, 7219.12.00.71, 7219.12.00.80, 7219.12.00.81, 7219.31.00.10, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25,

[1] *See Antidumping Duty Orders; Certain Stainless Steel Plate in Coils From Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan,* 64 FR 27756 (May 21, 1999); *Notice of Amended Antidumping Duty Orders; Certain Stainless Steel Plate in Coils From Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan,* 68 FR 11520 (March 11, 2003); *Notice of Amended Antidumping Duty Orders; Certain Stainless Steel Plate in Coils From Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan,* 68 FR 16117 (April 2, 2003); *Notice of Correction to the Amended Antidumping Duty Orders; Certain Stainless Steel Plate in Coils From Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan,* 68 FR 20114 (April 24, 2003) (*Order*).

[2] For a full description of the scope of the order, *see* the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, titled ''Stainless Steel Plate in Coils from Belgium: Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review; 2012–2013,'' dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.90.00.10, 7220.90.00.15, and 7220.90.00.60. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description remains dispositive.

Methodology

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price (CEP) is calculated in accordance with section 772 of the Act. Normal Value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that a weighted-average dumping margin of 1.53 percent exists for ASB for the period May 1, 2012, through April 30, 2013.

Disclosure and Public Comment

The Department intends to disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days after the date of publication of these preliminary results.[3] Interested parties may submit written comments (case briefs) no later than 30 days after the date of publication of the preliminary results and rebuttal comments (rebuttal briefs) no later than five days after the time limit for filing case briefs.[4] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. All briefs must be filed electronically using IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Time on the date the document is due.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. Oral presentations will be limited to issues raised in the case and rebuttal briefs. If a request for a hearing is made, parties will be notified of the date and time for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.[5]

The Department will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after the publication of these preliminary results, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rate

In accordance with 19 CFR 351.212(b), upon issuance of the final results of the review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. If ASB's weighted-average dumping margin is above *de minimis,* we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis (i.e.,* 0.50 percent). Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by each respondent for which they did not know that their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for ASB will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 8.54 percent, the all-others rate established

[3] *See* 19 CFR 351.224(b).

[4] *See* 19 CFR 351.309(c)(1)(ii) and (d)(1).

[5] *See* 19 CFR 351.310.

in the investigation.[6] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1).

Dated: June 18, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

Summary
Background
Scope of the Order
Discussion of Methodology
  Comparisons to Normal Value
  Product Comparisons
  A. Determination of Comparison Method
  B. Results of the Differential Pricing Analysis
Date of Sale
Constructed Export Price
Normal Value
  A. Home Market Viability
  B. Level of Trade
  C. Cost of Production
  1. Calculation of Cost of Production
  2. Test of Home Market Prices
  3. Results of COP Test
  D. Calculation of NV Based on Comparison Market Prices
  E. Calculation of NV Based On Constructed Value
Currency Conversion
Recommendation

[FR Doc. 2014–14911 Filed 6–24–14; 8:45 am]

BILLING CODE 3510–DS–P

[6] *Implementation of the Findings of the WTO Panel in US—Zeroing (EC): Notice of Determinations Under Section 129 of the Uruguay Round Agreements Act and Revocations and Partial Revocations of Certain Antidumping Duty Orders,* 72 FR 25261 (May 4, 2007).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–967]

Aluminum Extrusions From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Rescission, in Part; 2012/2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''Department'') is conducting an administrative review of the antidumping duty order on aluminum extrusions from the People's Republic of China (''PRC'').[1] The period of review (''POR'') is May 1, 2012, through April 30, 2013. The review covers the following exporters of subject merchandise: mandatory respondents Guangzhou Jangho Curtain Wall System Engineering Co., Ltd. and Jangho Curtain Wall Hong Kong Ltd. (collectively ''Jangho''), and the single entity comprised of Guang Ya Aluminum Industrial Co., Ltd. (''Guang Ya''), Foshan Guangcheng Aluminum Co., Ltd. (''Guangcheng''), Kong Ah International Co., Ltd. (''Kong Ah''), and Guang Ya Aluminum Industries (Hong Kong) Ltd. (''Guang Ya HK'') (collectively ''Guang Ya Group''); Guangdong Zhongya Aluminum Co., Ltd. (''Zhongya''), Zhongya Shaped Aluminum (HK) Holding Ltd. (''Shaped Aluminum''), and Karlton Aluminum Co., Ltd. (''Karlton'') (collectively ''Zhongya''), and Foshan Nanhai Xinya Aluminum & Stainless Steel Product Co., Ltd. (''Xinya'') (collectively ''Guang Ya Group/Zhongya/Xinya''); and Kromet International, Inc. (''Kromet''), a voluntary respondent. The Department preliminarily finds that Kromet did not make sales of subject merchandise at less than normal value. In addition, the Department preliminarily determines that Jangho and Guang Ya Group/Zhongya/Xinya failed to demonstrate that they were eligible for separate-rate status and thus have been included in the PRC-wide entity. We also preliminarily determine that three companies, Hong Kong Gree Electric Appliances Sales Limited (''Gree''), Jiuyuan Co., Ltd. (''Jiuyuan''), and Shenzhen Hudson Technology Development Co., Ltd. (''Shenzhen Hudson'') had no shipments.

[1] The Department initiated this review on June 28, 2013. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 38924 (June 28, 2013) (''*Initiation Notice*'').

DATES: *Effective:* June 25, 2014.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Laurel LaCivita, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4474 or (202) 482–4243, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by the *Order*[2] is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents).[3]

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (''HTSUS''): 7610.10.00, 7610.90.00, 7615.10.30, 7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8516.90.50.00, 8516.90.80.50, 8708.80.65.90,

[2] *See Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order,* 76 FR 30650 (May 26, 2011) (''*Order*'').

[3] *See* ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Aluminum Extrusions from the People's Republic of China,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (''Preliminary Decision Memorandum'') for a complete description of the scope of the *Order.*

9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.30, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50.

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99 as well as under other HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.

Partial Rescission of Review

For those companies named in the *Initiation Notice* for which all review requests have been timely withdrawn and which were eligible for separate rate status at the initiation of this review, we are rescinding this administrative review, in accordance with 19 CFR 351.213(d)(1). These companies are listed at Appendix II to this notice. For these companies, antidumping duties shall be assessed at rates equal to the rates of the cash deposits for estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(2).

For those companies named in the *Initiation Notice* for which all review requests have been withdrawn, but which were not eligible for separate-rate status at the initiation of this review, the Department's practice is to refrain from rescinding the review with respect to these companies at this time. While the requests for review of these companies were timely withdrawn, the companies remain part of the PRC-wide entity. These companies are listed at Appendix III to this notice. The PRC-wide entity is under review for these preliminary results. Thus, we are not rescinding this review with respect to these companies, but the Department will make a determination with respect to the PRC-wide entity at the conclusion of this review.

Separate Rates

In the *Initiation Notice,* we informed parties of the opportunity to request a separate rate. In proceedings involving non-market economy (''NME'') countries, the Department begins with a rebuttable presumption that all companies within the NME country are subject to government control and, thus, should be assigned a single weighted-average dumping margin. It is the Department's policy to assign all exporters of merchandise subject to an administrative review involving an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. Companies that wanted to be considered for a separate rate in this review were required to timely file a separate-rate application (''SRA'') or a separate-rate certification to demonstrate their eligibility for a separate rate. Separate-rate applications and separate-rate certifications were due to the Department within 60 calendar days of the publication of the *Initiation Notice.*

In this review, 21 exporters for which a review was requested did not submit separate-rate information to rebut the presumption that, like all companies within the PRC, they are subject to government control.[4] These companies are listed at Appendix IV to this notice. As further discussed in the Preliminarily Decision Memorandum, we determine that these entities have not demonstrated that they operate free from government control. Thus, we preliminary determine that they are part of the PRC-wide entity.

An additional five companies under review submitted SRAs, but, as further discussed in the Preliminary Decision Memorandum, we preliminarily determine not to grant these companies a separate rate.[5]

Nineteen separate-rate applicants still under review submitted SRAs and responses to supplemental questionnaires which provide sufficient information to preliminarily determine that they are entitled to a separate rate. A full discussion of the basis for granting these companies a separate rate can be found in the Preliminary Decision Memorandum.

Rate for Non-Examined Companies Which Are Eligible for a Separate Rate

The Department intends to assign to non-examined, separate-rate companies the weighted-average dumping margin assigned to non-examined, separate-rate companies in the final determination of the antidumping investigation.[6] Neither the Act nor the Department's regulations address the establishment of the rate applied to individual companies not selected for examination where the Department limited its examination in an administrative review pursuant to section 777A(c)(2) of the Act. The Department's practice in cases involving limited selection based on exporters accounting for the largest volumes of trade has been to look to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others rate in an investigation. Section 735(c)(5)(A) of the Act instructs the Department to avoid calculating an all-others rate using any rates that are zero, *de minimis,* or based entirely on facts available in investigations. The Department's regulations further state that in calculating the all-others rate under section 735(c)(5) of the Act, the Department will exclude estimated weighted-average dumping margin rates calculated for voluntary respondents.[7] Section 735(c)(5)(B) of the Act provides that, where all rates are zero, *de minimis,* or based entirely on facts available, the Department may use ''any reasonable method'' for assigning a rate to non-examined respondents.

We preliminarily determine that the application of the rate from the investigation to the non-examined separate-rate respondents is consistent with precedent[8] and the most

[4] One company, Zhaoqing New Zhongya Aluminum Co., Ltd. (''New Zhongya''), was determined to have been succeeded by Guangdong Zhongya Aluminum Company Limited (''Guangdong Zhongya'') in a changed circumstances review. *See Aluminum Extrusions From the People's Republic of China: Final Results of Changed Circumstances Review,* 77 FR 54900 (September 6, 2012). Thus, despite the fact that a review was initiated of New Zhongya, it is not being included in this list of companies because its successor in interest, Guangdong Zhongya, is part of the Guang Ya/Zhongya/Xinya single entity.

[5] These five companies are: (1) Guangdong Zhongya Aluminum Company Limited; (2) Guangzhou Jangho Curtain Wall System Engineering Co., Ltd. and Jangho Curtain Wall Hong Kong Ltd. (collectively, Jangho); (3) Nidec Sankyo (Zhejiang) Corporation; (4) Taizhou Lifeng Manufacturing Corporation; (5) Zhongya Shaped Aluminum (HK) Holding Limited.

[6] *See Aluminum Extrusions From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Rescission, in Part, 2010/12,* 79 FR 96, 99 (January 2, 2014) (''*Final Results of Aluminum Extrusions AR1*'').

[7] *See* 19 CFR 351.204(d)(3). *See also Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27310 (May 19, 1997).

[8] *See, e.g., Certain Frozen Warmwater Shrimp From the People's Republic of China: Preliminary*

appropriate method to determine the separate rate in the instant review.[9] Pursuant to this method, we are assigning the margin of 32.79 percent, the most recent margin (from the less-than-fair-value investigation) calculated for the non-examined separate-rate respondents, to the non-examined separate-rate respondents in the instant review.

Preliminary Determination of No Shipments

Four companies submitted timely certifications indicating that they had no shipments of subject merchandise to the United States during the POR.[10] Consistent with its practice, the Department asked U.S. Customs and Border Protection (''CBP'') to conduct a query on potential shipments made by Gree, Jiuyuan, Shenzhen Hudson and Skyline Exhibit Systems (Shanghai) Co., Ltd. (''Skyline'') during the POR; CBP provided no evidence that contradicted the claims of no shipments submitted by Gree, Jiuyuan, and Shenzen Hudson.[11] The Department otherwise received no comments from interested parties concerning the results of the CBP query. However, CBP provided information that contradicted Skyline's claim of no shipments during the POR. We intend to follow-up with CBP concerning this information subsequent to these preliminary results and to allow Skyline to comment on this discrepancy. For these preliminary results, we preliminarily determine that Skyline had shipments of subject merchandise during the POR, failed to submit an SRA or SRC, and is thus part of the PRC-wide entity.

Based on the certifications from Gree, Jiuyuan, and Shenzhen Hudson, and our analysis of CBP information, we preliminarily determine that Gree, Jiuyuan, and Shenzhen Hudson had no shipments during the POR. In addition, the Department finds that, consistent with its assessment practice in NME cases, it is appropriate not to rescind the review in part in this circumstance, but rather to complete the review with respect to Gree, Jiuyuan, and Shenzhen Hudson and issue appropriate instructions to CBP based on the final results of the review.[12]

PRC-Wide Entity

Jangho and Guang Ya Group/Zhongya/Xinya,[13] the companies that the Department selected as mandatory respondents in this administrative review, failed to respond to the Department's requests for information or declined to participate in this review. These companies, therefore, are not eligible for separate rate status.[14] Additionally, 21 remaining companies subject to these preliminary results are not eligible for separate-rate status because they did not submit separate-rate applications or certifications, or certifications of no shipments. As a result, these 27 companies are under review as part of the PRC-wide entity.[15] [16]

Methodology

The Department conducted this review in accordance with section 751(a)(1)(B) of the Act. Export and constructed export prices have been calculated in accordance with sections 772(a) and (b) of the Act. Because the PRC is a NME within the meaning of section 771(18) of the Act, the Department calculated normal value in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our preliminary results, please *see* the Preliminary Decision Memorandum, which is hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and it is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://www.trade.gov/enforcement/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Adjustment Under Section 777A(f) of the Act

Pursuant to section 777A(f) of the Act, the Department preliminarily made an adjustment for countervailable domestic subsidies which have been found to have impacted U.S. prices. For the non-examined companies which are eligible for a separate rate, as noted above, their weighted-average dumping margin is based on the weighted-average dumping margin for non-examined, separate-rate companies in the less-than-fair-value investigation. This rate was based on the average of the petition rates, which were based on prices for sales of subject merchandise to the United States. In the companion CVD investigation and companion CVD first administrative review, the Department did not individually examine certain PRC exporters whose prices were the basis for the petition rates. Therefore, those companies were assigned the all-other exporters rate as determined in the amended final determination for the CVD investigation, and a non-selected company rate as determined in the final results of the CVD first administrative review.

Accordingly, in this review, for exporters that did not receive a non-selected company rate in the companion CVD first administrative review, the adjustment to account for domestic subsidies is based on the domestic subsidy rates found for all-other exporters in the CVD investigation. For companies that received a non-selected company rate in the companion CVD first administrative review, the adjustment to account for domestic subsidies is based on the countervailing duties found for the non-selected companies in the first administrative review. For Changzhou Changzheng Evaporator Co., Ltd. (''Changzheng

Results and Preliminary Partial Rescission of Fifth Antidumping Duty Administrative Review, 76 FR 8338, 8342 (February 14, 2011), unchanged in *Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 76 FR 51940 (August 19, 2011); *see also Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 75 FR 49460, 49463 (August 13, 2010).

[9] This is also consistent with the Department's decision in the first administrative review of the *Order. See Final Results of Aluminum Extrusions AR1* at 79 FR at 99.

[10] *See* letter from Gree, ''Aluminum Extrusions from the People's Republic of China: No Shipment Certification'' dated August 27, 2013; letter from Jiuyuan, ''Re: Aluminum Extrusions from the People's Republic of China: No Shipment Letter,'' dated August 24, 2013; letter from Shenzhen Hudson, ''Shenzhen Hudson No Shipment Letter and Withdrawal of Review Request in the Second Administrative Review of Antidumping Duty Order on Aluminum Extrusions from the People's Republic of China,'' dated August 26, 2013; and, letter from Skyline, ''Aluminum Extrusions from the People's Republic of China: Certification of No Sales, Shipments, or Entries and Quantity &Value Questionnaire Response,'' dated August 26, 2013.

[11] *See* CBP Message Number, 4154301, dated 06/03/2014.

[12] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011) and the ''Assessment Rates'' section, below.

[13] The following five companies are part of the Guang Ya Group/Zhongya/Xinya entity for which request for review has not been withdrawn: (1) Guang Ya Aluminum Industries Co. Ltd.; (2) Guangdong Zhongya Aluminum Company Limited; (3) Kong Ah International Company Limited; (4) Zhaoqing New Zhongya Aluminum Co., Ltd.; and (5) Zhongya Shaped Aluminum (HK) Holding Limited.

[14] *See Initiation Notice,* 78 FR at 38924–38925.

[15] *See* Appendix IV.

[16] *See* the Preliminary Decision Memorandum.

Evaporator''), which had its own calculated rate in the CVD first administrative review, the adjustment to account for domestic subsidies is based on the countervailing duties found for Changzheng Evaporator in the CVD first administrative review. The Department found that the rate of these domestic subsidies determined to have passed through to U.S. prices is the product of (1) the applicable CVD program rates and (2) the documented ratio of cost-price changes for the Chinese manufacturing sector as a whole, which is based on data available from Bloomberg.[17] Finally, for Kromet, no such adjustment is necessary because Kromet's weighted-average dumping margin is zero in these preliminary results.

Pursuant to section 772(c)(1)(C) of the Act, the Department also made an adjustment for countervailable export subsidies. For Kromet, an adjustment has been made to its reported U.S. price.[18] For the companies eligible for a separate rate, an adjustment has been made based on the countervailable export subsidy found for all-other exporters in the amended final determination for the countervailing duty investigation, if the company did not participate in the first CVD administrative review.[19] For companies that participated in the first CVD administrative review, an adjustment has been made based on the countervailable export subsidy for the non-selected companies from the final results of the first administrative review (or its own calculated rate, in the case of Changzheng Evaporator).

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist for the POR:

Exporter	Weighted-average dumping margin[20] (percent)
Kromet International, Inc	0.00
Allied Maker Limited	32.79
Changzhou Changzheng Evaporator Co., Ltd	32.79
Classic & Contemporary Inc	32.79
Dynabright Int'l Group (HK) Limited	32.79
Hanyung Metal (Suzhou) Co., Ltd	32.79
Global Point Technology (Far East) Limited[21]	32.79
Jiangsu Changfa Refrigeration Co., Ltd	32.79
Jiaxing Jackson Travel Products Co., Ltd	32.79
Justhere Co., Ltd	32.79
Kam Kiu Aluminium Products Sdn Bhd[22]	32.79
Metaltek Group Co., Ltd	32.79
Midea International Trading Co., Ltd	32.79
Permasteelisa Hong Kong Limited[23]	32.79
Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co., Ltd	32.79
Sincere Profit Limited	32.79
tenKsolar (Shanghai) Co., Ltd	32.79
Tianjin Jinmao Import & Export Corp., Ltd	32.79
Union Industry (Asia) Co., Ltd	32.79
PRC-wide Entity	33.28

Disclosure and Public Comment

The Department intends to disclose to the parties the calculations performed for these preliminary results within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[24] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the case briefs are filed.[25]

Any interested party may request a hearing within 30 days of publication of this notice.[26] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the case and rebuttal briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.[27]

Unless otherwise extended, the Department intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in the case and rebuttal briefs, within 120 days of publication of these preliminary results,

[17] *See* Preliminary Decision Memorandum at Attachment 1.

[18] *See* Prelim Analysis Memorandum.

[19] *See Aluminum Extrusions From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Affirmative Countervailing Duty Determination and Notice of Amended Final Affirmative Countervailing Duty Determination,* 77 FR 74466 (December 14, 2012).

[20] For the Separate Rate Companies (*i.e.,* all companies other than Kromet), the Department intends to adjust the weighted-average dumping margin, for both cash deposit and liquidation purposes, as explained above in the section ''Adjustment Under Section 777A(f) of the Act.'' *See* Preliminary Decision Memorandum at Attachment 2 for calculations showing the export subsidy, domestic subsidy, pass-through rate, and net adjustments.

[21] Though the Department initiated a review for ''Hoff Associates Mfg Reps Inc. (dba Global Point Technology, Inc.) and Global Point Technology (Far East) Limited (collectively, Global Point),'' it is apparent, from the company's SRA, that Hoff Associates Mfg Reps Inc. (dba Global Point Technology, Inc.) is the U.S. importer, while Global Point Technology (Far East) Limited is the exporter, and thus the appropriate party to which to grant the separate rate status.

[22] Though the Department initiated a review for both Taishan City Kam Kiu Aluminum Extrusions Co., Ltd. and Kam Kiu Aluminium Products Sdn Bhd, it is apparent from the company's SRA, that Kam Kiu Aluminium Products Sdn Bhd is the exporter and Taishan City Kam Kiu Aluminum Extrusions Co., Ltd. is a producer only; thus, Kam Kiu Aluminium Products Sdn Bhd is the appropriate party to grant the separate rate status.

[23] Though the Department initiated a review for ''Permasteelisa South China Factory (Permasteelisa China) and Permasteelisa Hong Kong Limited,'' it is apparent from the company's SRA, that Permasteelisa Hong Kong Limited is the exporter and Permasteelisa South China Factory (Permasteelisa China) is a producer only; thus Permasteelisa Hong Kong Limited is the appropriate party to grant the separate rate status.

[24] *See* 19 CFR 351.309(c).

[25] *See* 19 CFR 351.309(d).

[26] *See* 19 CFR 351.310(c).

[27] *See* 19 CFR 351.310(d)(1).

pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results of this review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[28] The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of the final results of this review.

For each individually examined respondent whose weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[29] For duty assessment rates calculated on this basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. If the weighted-average dumping margin for the exporter is zero or *de minimis,* or if the importer-specific assessment rate is zero or *de minimis,* then the Department will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

On October 24, 2011, the Department announced a refinement to its assessment practice in NME cases. Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate.[30]

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements for estimated antidumping duties, when imposed, will apply to all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) If the companies preliminarily determined to be eligible for a separate rate receive a separate rate in the final results of this administrative review, their cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review, as adjusted for domestic and export subsidies (except, if that rate is *de minimis,* then the cash deposit rate will be zero); (2) for any previously investigated or reviewed PRC and non-PRC exporter that is not under review in this segment of the proceeding but that received a separate rate in the most recently completed segment of this proceeding, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be equal to the cash deposit rate for the PRC-wide entity, which will be equal to the weighted-average dumping margin assigned to the PRC-wide entity in the final results of this administrative review;[31] and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing notice of these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 18, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Respondent Selection
4. Scope of the Order
5. Partial Rescission of Administrative Review
6. Affiliation and Collapsing
7. Non-Market Economy Country
8. Separate Rates
9. Separate-Rate Recipients
10. Rate for Separate-Rate Recipients
11. The PRC-Wide Entity
12. Application of Facts Available
13. Application of Adverse Facts Available to the PRC-Wide Entity
14. Selection of Adverse Facts Available Rate
15. Corroboration of Secondary Information Used as AFA
16. Surrogate Country and Surrogate Value Data
17. Surrogate Country
18. Economic Comparability
19. Significant Producers of Identical or Comparable Merchandise
20. Data Availability
21. Date of Sale
22. Comparisons to Normal Value
23. Determination of Comparison Method
24. Results of the Differential Pricing Analysis
25. Export Price and Constructed Export Price
26. Value-Added Tax
27. Normal Value
28. Factor Valuations
29. Adjustment Under Section 777A(f) of the Act
30. Currency Conversion
31. Recommendation

Appendix II

Separate-rate companies for which we are rescinding this administrative review:

1. Exporter Changshu Changshen Aluminium Products Co., Ltd., for manufacturer Changshu Changshen Aluminium Products Co., Ltd.
2. Exporter Cosco (J.M.) Aluminium Co., Ltd., for manufacturers Cosco (J.M.) Aluminum Co., Ltd. or Jiangmen Qunxing Hardware Diecasting Co., Ltd.
3. Exporter First Union Property Limited, for manufacturer Top-Wok Metal Co., Ltd.
4. Exporter Foshan Shanshui Fenglu Aluminium Co., Ltd., for manufacturer Foshan Shanshui Fenglu Aluminium Co., Ltd.
5. Exporter Guangdong Hao Mei Aluminium Co., Ltd., for manufacturer Guangdong Hao Mei Aluminium Co., Ltd.

[28] *See* 19 CFR 351.212(b)(1).

[29] In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[30] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011).

[31] *See Aluminum Extrusions from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 76 FR 18524 (April 4, 2011) (''*Final Determination*'') and *Order.*

6. Exporter Guangdong Weiye Aluminium Factory Co., Ltd., for manufacturer Guangdong Weiye Aluminium Factory Co., Ltd.
7. Exporter Guangdong Xingfa Aluminium Co., Ltd., for manufacturer Guangdong Xingfa Aluminium Co., Ltd.
8. Exporter Hanwood Enterprises Limited, for manufacturer Pingguo Aluminium Company Limited
9. Exporter Honsense Development Company, for manufacturer Kanal Precision Aluminium Product Co., Ltd.
10. Exporter Innovative Aluminium (Hong Kong) Limited, for manufacturer Taishan Golden Gain Aluminium Products Limited
11. Exporter Jiangyin Trust International Inc, for manufacturer Jiangyin Xinhong Doors and Windows Co., Ltd.
12. Exporter JMA (HK) Company Limited, for manufacturers Guangdong Jianmei Aluminum Profile Company Limited or Foshan JMA Aluminium Company Limited
13. Exporter Longkou Donghai Trade Co., Ltd., for manufacturer Shandong Nanshan Aluminum Co., Ltd.
14. Exporter Ningbo Yili Import and Export Co., Ltd., for manufacturer Zhejiang Anji Xinxiang Aluminum Co., Ltd.
15. Exporter North China Aluminum Co., Ltd., for manufacturer North China Aluminum Co., Ltd.
16. Exporter PanAsia Aluminium (China) Limited, for manufacturer PanAsia Aluminium (China) Limited
17. Exporter Pingguo Asia Aluminum Co., Ltd., for manufacturer Pingguo Asia Aluminum Co., Ltd.
18. Exporter Popular Plastics Company Limited, for manufacturer Hoi Tat Plastic Mould & Metal Factory
19. Exporter Press Metal International Ltd., for manufacturer Press Metal International Ltd.
20. Exporter Tai-Ao Aluminium (Taishan) Co., Ltd., for manufacturer Tai-Ao Aluminium (Taishan) Co., Ltd.
21. Exporter Tianjin Ruixin Electric Heat Transmission Technology Co., Ltd., for manufacturer Tianjin Ruixin Electric Heat Transmission Technology Co., Ltd.
22. Exporter USA Worldwide Door Components (Pinghu) Co., Ltd., for manufacturers USA Worldwide Door Components (Pinghu) Co., Ltd. or Worldwide Door Components (Pinghu) Co.
23. Exporter Zhejiang Yongkang Listar Aluminum Industry Co., Ltd., for manufacturer Zhejiang Yongkang Listar Aluminum Industry Co., Ltd.
24. Exporter Zhongshan Gold Mountain Aluminium Factory Ltd., for manufacturer Zhongshan Gold Mountain Aluminium Factory Ltd.

Appendix III

Companies that are part of the PRC-wide entity for which request for review has been withdrawn:

1. Exporter Acro Import and Export Co.
2. Exporter Activa International Inc.
3. Exporter Bracalente Metal Products (Suzhou) Co. Ltd.
4. Exporter Changshu Changshen Aluminium Products Co., Ltd., for any manufacturer other than Changshu Changshen Aluminium Products Co., Ltd.
5. Exporter Changzhou Tenglong Auto Parts Co., Ltd.
6. Exporter Clear Sky Inc.
7. Exporter Cosco (J.M.) Aluminium Co., Ltd., for any manufacturers other than Cosco (J.M.) Aluminum Co., Ltd. or Jiangmen Qunxing Hardware Diecasting Co., Ltd.
8. Exporter Dongguan Aoda Aluminum Co., Ltd.
9. Exporter Dragonluxe Limited
10. Exporter Dynamic Technologies China
11. Exporter First Union Property Limited, for any manufacturer other than Top-Wok Metal Co., Ltd.
12. Exporter Foreign Trade Co. of Suzhou New & Hi-Tech Industrial Development Zone
13. Exporter Foshan City Nanhai Hongjia Aluminum Alloy Co.
14. Exporter Foshan Guancheng Aluminum Co., Ltd.
15. Exporter Foshan Jinlan Aluminum Co. Ltd.
16. Exporter Foshan JMA Aluminum Company Limited
17. Exporter Foshan Shanshui Fenglu Aluminium Co., Ltd., for any manufacturer other than Foshan Shanshui Fenglu Aluminium Co., Ltd.
18. Exporter Foshan Yong Li Jian Alu. Ltd.
19. Exporter Fujian Sanchuan Aluminum Co., Ltd.
20. Exporter Global PMX Dongguan Co., Ltd.
21. Exporter Golden Dragon Precise Copper Tube Group, Inc.
22. Exporter Gree Electric Appliances
23. Exporter Guangdong Hao Mei Aluminium Co., Ltd., for any manufacturer other than Guangdong Hao Mei Aluminium Co., Ltd.
24. Exporter Guangdong Jianmei Aluminum Profile Company Limited
25. Exporter Guangdong Nanhai Foodstuffs Imp. & Exp. Co., Ltd.
26. Exporter Guangdong Weiye Aluminium Factory Co., Ltd., for any manufacturer other than Guangdong Weiye Aluminium Factory Co., Ltd.
27. Exporter Guangdong Xingfa Aluminium Co., Ltd., for any manufacturer other than Guangdong Xingfa Aluminium Co., Ltd.
28. Exporter Hangzhou Zingyi Metal Products Co., Ltd.
29. Exporter Hanwood Enterprises Limited, for any manufacturer other than Pingguo Aluminium Company Limited
30. Exporter Hao Mei Aluminum Co., Ltd.
31. Exporter Hao Mei Aluminum International Co., Ltd.
32. Exporter Honsense Development Company, for any manufacturer other than Kanal Precision Aluminium Product Co., Ltd.
33. Exporter Hui Mei Gao Aluminum Foshan Co., Ltd.
34. Exporter Idex Health
35. Exporter Innovative Aluminium (Hong Kong) Limited, for any manufacturer other than Taishan Golden Gain Aluminium Products Limited
36. Exporter iSource Asia
37. Exporter Jiangmen Qunxing Hardware Diecasting Co., Ltd.
38. Exporter Jiangyin Trust International Inc., for any manufacturer other than Jiangyin Xinhong Doors and Windows Co., Ltd.
39. Exporter Jiangyin Xinhong Doors and Windows Co., Ltd.
40. Exporter Jiaxing Taixin Metal Products Co., Ltd.
41. Exporter JMA (HK) Company Limited, for any manufacturers other than Guangdong Jianmei Aluminum Profile Company Limited or Foshan JMA Aluminium Company Limited
42. Exporter Kanal Precision Aluminum Product Co., Ltd.
43. Exporter Karlton Aluminum Company Ltd.
44. Exporter Kunshan Giant Light Metal Technology Co., Ltd.
45. Exporter Liaoyang Zhongwang Aluminum Profiled Co. Ltd.
46. Exporter Longkou Donghai Trade Co., Ltd., for any manufacturer other than Shandong Nanshan Aluminum Co., Ltd.
47. Exporter Metaltek Metal Industry Co., Ltd.
48. Exporter Midea Air Conditioning Equipment Co., Ltd.
49. Exporter Miland Luck Limited
50. Exporter Nanhai Textiles Import & Export Co., Ltd. Of Guangdong
51. Exporter New Asia Aluminum & Stainless Steel Product Co., Ltd.
52. Exporter Nidec Sankyo Singapore Pte. Ltd.
53. Exporter Ningbo Coaster International Co., Ltd.
54. Exporter Ningbo HiTech Reliable Manufacturing Company
55. Exporter Ningbo Yili Import and Export Co., Ltd., for any manufacturer other than Zhejiang Anji Xinxiang Aluminum Co., Ltd.
56. Exporter North China Aluminum Co., Ltd., for any manufacturer other than North China Aluminum Co., Ltd.
57. Exporter Northern States Metals
58. Exporter PanAsia Aluminium (China) Limited, for any manufacturer other than PanAsia Aluminium (China) Limited
59. Exporter Pingguo Aluminum Company Limited
60. Exporter Pingguo Asia Aluminum Co., Ltd., for any manufacturer other than Pingguo Asia Aluminum Co., Ltd.
61. Exporter Popular Plastics Company Limited, for any manufacturer other than Hoi Tat Plastic Mould & Metal Factory
62. Exporter Press Metal International Ltd., for any manufacturer other than Press Metal International Ltd.
63. Exporter Sanchuan Aluminum Co., Ltd.
64. Exporter Shangdong Huasheng Pesticide Machinery Co.
65. Exporter Shangdong Nanshan Aluminum Co., Ltd.
66. Exporter Shanghai Canghai Aluminum Tube Packaging Co., Ltd.
67. Exporter Shanghai Dongsheng Metal
68. Exporter Shanghai Shen Hang Imp & Exp Co., Ltd.
69. Exporter Shenzhen Jiuyuan Co., Ltd.
70. Exporter Sihui Shi Guo Yao Aluminum Co., Ltd.
71. Exporter Suzhou JRP Import & Export Co.,

Ltd.
72. Exporter Suzhou New Hongji Precision Part Co.
73. Exporter Tai-Ao Aluminium (Taishan) Co., Ltd., for any manufacturer other than Tai-Ao Aluminium (Taishan) Co., Ltd.
74. Exporter Taogoasei America Inc.
75. Exporter Tianjin Ganglv Nonferrous Metal Materials Co., Ltd.
76. Exporter Tianjin Ruixin Electric Heat Transmission Technology Co., Ltd., for any manufacturer other than Tianjin Ruixin Electric Heat Transmission Technology Co., Ltd.
77. Exporter Top-Wok Metal Co., Ltd.
78. Exporter Traffic Brick Network, LLC
79. Exporter USA Worldwide Door Components (Pinghu) Co., Ltd., for any manufacturers other than USA Worldwide Door Components (Pinghu) Co., Ltd. or Worldwide Door Components (Pinghu) Co.
80. Exporter Whirlpool Canada L.P.
81. Exporter Whirlpool Microwave Products Development Ltd.
82. Exporter Xin Wei Aluminum Company Limited
83. Exporter Xinya Aluminum & Stainless Steel Product Co., Ltd.
84. Exporter Zhaoqing Asia Aluminum Factory Company Ltd.
85. Exporter Zhaoqing China Square Industry Limited
86. Exporter Zhejiang Anji Xinxiang Aluminum Co., Ltd.
87. Exporter Zhejiang Yongkang Listar Aluminum Industry Co., Ltd., for any manufacturer other than Zhejiang Yongkang Listar Aluminum Industry Co., Ltd.
88. Exporter Zhejiang Zhengte Group Co., Ltd.
89. Exporter Zhenjiang Xinlong Group Co., Ltd.
90. Exporter Zhongshan Gold Mountain Aluminium Factory Ltd., for any manufacturer other than Zhongshan Gold Mountain Aluminium Factory Ltd.
91. Exporter Zhuhai Runxingtai Electrical Equipment Co., Ltd.

Appendix IV

Exporters for which a review was requested that did not submit a no-shipments certification or separate-rate certification/application (including complete responses to supplemental questionnaires) and are preliminarily considered to be part of the PRC-wide entity.

1. Exporter Alnan Aluminium Co., Ltd.
2. Exporter Chiping One Stop Industrial & Trade Co., Ltd.
3. Exporter Cixi Handsome Pool Appliance Co., Ltd.
4. Exporter DongChuan Swimming Pool Equipments Co., Ltd.
5. Exporter Dongguan Golden Tiger Hardware Industrial Co., Ltd.
6. Exporter Foshan Shunde Aoneng Electrical Appliances Co., Ltd.
7. Exporter Guang Dong Xin Wei Aluminum Products Co., Ltd.
8. Exporter Guang Ya Aluminum Industries Co. Ltd.
9. Exporter Guangdong Whirlpool Electrical Appliances Co., Ltd.
10. Exporter Guangzhou Mingcan Die-Casting Hardware Products, Co., Ltd.
11. Exporter Hanyung Alcobis Co., Ltd.
12. Exporter Henan New Kelong Electrical Appliances Co., Ltd.
13. Exporter Idex Dinglee Technology (Tianjin Co., Ltd.)
14. Exporter Kong Ah International Company Limited
15. Exporter Ningbo Splash Pool Appliance Co., Ltd.
16. Exporter Samuel, Son & Co., Ltd.
17. Exporter Shenyang Yuanda Aluminum Industry Engineering Co., Ltd.
18. Exporter Skyline Exhibit Systems (Shanghai) Co., Ltd.
19. Exporter Tiazhou Lifeng Manufacturing Corporation
20. Exporter Wenzhou Shengbo Decoration & Hardware
21. Exporter Whirlpool (Guangdong)

Exporters for which a review was requested that submitted incomplete separate rate documentation and are preliminarily considered to be part of the PRC-wide entity.

22. Exporter Guangdong Zhongya Aluminum Company Limited
23. Exporter Guangzhou Jangho Curtain Wall System Engineering Co., Ltd. and Jangho Curtain Wall Hong Kong Ltd. (collectively, Jangho)
24. Exporter Nidec Sankyo (Zhejiang) Corporation
25. Exporter Taizhou Lifeng Manufacturing Corporation
26. Exporter Zhongya Shaped Aluminum (HK) Holding Limited

[FR Doc. 2014–14912 Filed 6–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–968]

Aluminum Extrusions From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review; 2012

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty (CVD) order on aluminum extrusions from the People's Republic of China (PRC). The period of review (POR) is January 1, 2012, through December 31, 2012. We preliminary determine that the Alnan Companies [1] and Jiangsu Changfa Refrigeration Co., Ltd. (Jiangsu Changfa) received countervailable subsidies during the POR. Interested parties are invited to comment on these preliminary results of review.

DATES: *Effective:* June 25, 2014.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson and Robert Copyak, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–4793 and (202) 482–2209, respectively.

Scope of the Order

The merchandise covered by the *Order* [2] is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents).[3]

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 7610.10.00, 7610.90.00, 7615.10.30, 7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 7609.00.00.00, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8414.59.60.90, 8415.90.80.45,

---

[1] The Alnan Companies are Alnan Aluminum Co., Ltd. (Alnan Aluminum), Alnan Aluminum Foil Co., Ltd. (Alnan Foil), Alnan (Shanglin) Industry Co., Ltd. (Shanglin Industry), and Shanglin Alnan Aluminum Comprehensive Utilization Power Co., Ltd. (Shanglin Power). Kromet International Inc., one of the selected mandatory respondents in this administrative review, reported that it is a Canada-based company that sold subject merchandise produced by the Alnan Companies to the United States during the review period.

[2] *See Aluminum Extrusions From the People's Republic of China: Countervailing Duty Order,* 76 FR 30653 (May 26, 2011) (*Order*).

[3] For a complete description of the scope of the *Order, see* accompanying Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review: Aluminum Extrusions from the People's Republic of China, dated concurrently with this notice (Preliminary Decision Memorandum).

8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8473.30.20.00, 8473.30.51.00, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8508.70.00.00, 8516.90.50.00, 8516.90.80.50, 8517.70.00.00, 8529.90.73.00, 8529.90.97.60, 8538.10.00.00, 8543.90.88.80, 8708.29.50.60, 8708.80.65.90, 9013.90.50.00, 9013.90.90.00, 9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.30, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.11.40.80, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50.

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99 as well as under other HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.[4]

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily find that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[5]

For a full description of the methodology underlying all of the Department's conclusions, *see* Preliminary Decision Memorandum.

Preliminary Rate for Non-Selected Companies Under Review

There are 59 companies for which a review was requested and not rescinded, but were not selected as mandatory respondents. We preliminarily did not calculate the non-selected rate by weight-averaging the rates of the Alnan Companies and Jiangsu Changfa, companies selected for individual examination (mandatory respondents), because doing so risks disclosure of proprietary information. We, therefore, calculated an average rate using the mandatory respondents' publicly-ranged sales data for 2012. For further information on the calculation of the non-selected rate, *see* ''Preliminary *Ad Valorem* Rate for Non-Selected Companies under Review'' in the Preliminary Decision Memorandum.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the listed net subsidy rates for 2012:

Company	2012 *Ad valorem* rate (percent)
Alnan Aluminum Co., Ltd. (Alnan Aluminum), Alnan Aluminum Foil Co., Ltd. (Alnan Foil), Alnan (Shanglin) Industry Co., Ltd. (Shanglin Industry), and Shanglin Alnan Aluminum Comprehensive Utilization Power Co., Ltd. (Shanglin Power) (collectively, the Alnan Companies) and Kromet International Inc. (Kromet)[6]	10.72
Jiangsu Changfa Refrigeration Co., Ltd	5.83
Allied Maker Limited	9.54
Bracalente Metal Products (Suzhou) Co. Ltd	9.54
Changzhou Changzheng Evaporator Co., Ltd	9.54
China Square Industrial Ltd. and Zhaoqing China Square Industry Limited	9.54
Chiping One Stop Industrial & Trade Co., Ltd	9.54
Cixi Handsome Pool Appliance Co., Ltd	9.54
Classic & Contemporary Inc	9.54
DongChuan Swimming Pool Equipments Co., Ltd	9.54
Dongguan Aoda Aluminum Co. Ltd	9.54
Dongguan Golden Tiger	9.54
Dongguan Golden Tiger Hardware Industrial Co., Ltd	9.54
Dynabright Int'l Group (HK) Limited	9.54
Ever Extend Ent. Ltd	9.54
Foshan Nanhai ZhaoYa Decorative Aluminum Ltd	9.54
Guang Ya Aluminum Industries Co. Ltd. and Kong Ah International Company Limited (collectively, the Guang Ya Companies)	9.54
Guang Zhou Sang Yi Imp. & Exp. Co., Ltd	9.54
Guangdong Hao Mei Aluminum Co., Ltd	9.54
Guangdong Jianmei Aluminum Profile Company Limited	9.54
Guangdong Nanhai Foodstuffs Imp. & Exp. Co., Ltd	9.54
Guangdong Weiye Aluminum Factory Co., Ltd	9.54

[4] *See Order.*

[5] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[6] The Alnan Companies are the producer of subject merchandise, and Kromet is the exporter.

Company	2012 *Ad valorem* rate (percent)
Guangdong Whirlpool Electrical Appliances Co., Ltd	9.54
Guangzhou Jangho Curtain Wall System Engineering Co., Ltd. and Jangho Curtain Wall Hong Kong Ltd	9.54
Hanyung Alcobis Co., Ltd	9.54
Hanyung Metal (Suzhou) Co., Ltd	9.54
Hoff Associates Mfg Reps Inc. (dba, Global Point Technology, Inc.) and Global Point Technology (Far East) Limited	9.54
iSource Asia Limited (iSource)	9.54
Jiaxing Jackson Travel Products Co., Ltd	9.54
Jiuyan Co., Ltd	9.54
Justhere Co., Ltd	9.54
Kam Kiu Aluminum Products Sdn Bhd	9.54
Metaltek Group Co., Ltd	9.54
Metaltek Metal Industry Co., Ltd	9.54
Midea International Trading Co., Ltd	9.54
Nidec Sankyo (Zhejiang) Corporation	9.54
Ningbo Splash Pool Appliance Co., Ltd	9.54
Permasteelisa South China Factory (Permasteelisa China) and Permasteelisa Hong Kong Limited	9.54
Polight Industrial Ltd	9.54
Pushuo Mfg Co., Ltd./dba/Huiren Mfg Co Ltd	9.54
Shanghai Hong-hong Lumber Co	9.54
Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co., Ltd	9.54
Shenyang Yuanda Aluminum Industry Engineering Co., Ltd	9.54
Sihui Shi Guo Yao Aluminum Co., Ltd	9.54
Sincere Profit Limited	9.54
Skyline Exhibit Systems (Shanghai) Co. Ltd	9.54
Taishan City Kam Kiu Aluminium Extrusion Co. Ltd	9.54
Taizhou Lifeng Manufacturing Corporation	9.54
tenKsolar (Shanghai) Co., Ltd	9.54
Tianjin Jinmao Import & Export Corp., Ltd	9.54
Tiazhou Lifeng Manufacturing Corporation	9.54
Traffic Brick Network, LLC	9.54
T-World Industries Limited	9.54
Union Industry (Asia) Co., Ltd	9.54
Uniton Aluminium (HK) Ltd., Uniton Investment Ltd., and ZMC Aluminum Factory Limited	9.54
Wenzhou Shengbo Decoration & Hardware	9.54
Whirlpool (Guangdong)	9.54
Whirlpool Canada L.P.	9.54
Whirlpool Microwave Products Development Ltd	9.54
Zhaoqing New Zhongya Aluminum Co., Ltd, (New Zhongya) (also known as Guangdong Zhongya Aluminum Company Ltd.), Zhongya Shaped Aluminum (HK) Holding Limited, and Karlton Aluminum Company Ltd. (collectively, the Zhongya Companies)	9.54
Zhejiang Dongfeng Refrigeration Components Co., Ltd	9.54
Dragonluxe Limited	154.84
Henan New Kelong Electrical Appliances Co., Ltd	154.84
Press Metal International Ltd	154.84
Tianjin Ruxin Electric Heat Transmission Technology Co., Ltd	154.84

Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[7] Interested parties may submit written arguments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within five days after the time limit for filing the case briefs.[8] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) Statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9]

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice.[10] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing, which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[11] Parties should confirm by telephone the date, time, and location of the hearing.

Parties are reminded that briefs and hearing requests are to be filed electronically using IA ACCESS and that electronically filed documents must be received successfully in their entirety by 5:00 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by parties

[7] *See* 19 CFR 351.224(b).

[8] *See* 19 CFR 351.309(c)(1)(ii) and 19 CFR 351.309(d)(1).

[9] *See* 19 CFR 351.309(c)(2) and 19 CFR 351.309(d)(2).

[10] *See* 19 CFR 351.310(c).

[11] *See* 19 CFR 351.310.

in their comments, within 120 days after publication of these preliminary results.

Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, CVDs on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Instructions

The Department also intends to instruct CBP to collect cash deposits of estimated CVDs in the amounts indicated above for each company listed on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated CVDs at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: June 18, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Subsidy Valuation Information
5. Loan Benchmark Rates
6. Use of Facts Otherwise Available and Adverse Inferences
7. Analysis of Programs
8. Preliminary *Ad Valorem* Rate for Non-Selected Companies Under Review
9. Preliminary *Ad Valorem* Rate for Non-Cooperative Companies Under Review
10. Conclusion

[FR Doc. 2014–14861 Filed 6–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–938]

Citric Acid and Certain Citrate Salts: Preliminary Results of Countervailing Duty Administrative Review; 2012

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty (CVD) order on citric acid and certain citrate salts from the People's Republic of China (PRC) for the period of review (POR) covering January 1, 2012, through December 31, 2012. These preliminary results cover RZBC Group Shareholding Co., Ltd., RZBC Co., Ltd., RZBC Juxian Co., Ltd., and RZBC Imp. & Exp. Co., Ltd. (collectively, RZBC or the RZBC Companies). We preliminarily determine that the RZBC Companies received countervailable subsidies during the POR. Interested parties are invited to comment on these preliminary results.

DATES: *Effective:* June 25, 2014.

FOR FURTHER INFORMATION CONTACT: Patricia M. Tran and Raquel Silva, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–1503 and (202) 482–6475, respectively.

Scope of the Order

The merchandise subject to the order is citric acid and certain citrate salts. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item numbers 2918.14.0000, 2918.15.1000, 2918.15.5000, 3824.90.9290, and 3824.90.9290. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.

A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review: Citric Acid and Certain Citrate Salts; 2012'' (Preliminary Decision Memorandum), dated concurrently with this notice, and hereby adopted by this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://www.trade.gov/enforcement/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a financial contribution from an authority that gives rise to a benefit to the recipient, and that the subsidy is specific.[1]

In making these findings, we relied, in part, on facts available and, because the Government of the PRC did not act to the best of its ability to respond to the Department's requests for information, we drew an adverse inference in selecting from among the facts otherwise available.[2] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

For a full description of the methodology underlying the Department's conclusions, *see* Preliminary Decision Memorandum.

Preliminary Results of the Review

As a result of this review, we preliminarily determine a net countervailable subsidy rate of 11.68 percent *ad valorem* for the RZBC Companies, for the period January 1, 2012, through December 31, 2012.

Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these

[1] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[2] *See* sections 776(a) and (b) of the Act.

preliminary results.[3] Due to the anticipated timing of the release of post-preliminary analysis memoranda and the final verification reports, interested parties may submit written comments (case briefs) for this administrative review no later than one week after the issuance of the last post-preliminary analysis memorandum and final verification reports, and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[4] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) Statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice.[5] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing, which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[6] Parties should confirm by telephone the date, time, and location of the hearing.

Parties are reminded that briefs and hearing requests are to be filed electronically using IA ACCESS and that electronically filed documents must be received successfully in their entirety by 5:00 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department will issue the final results of this administrative review, including the results of our analysis of the issues raised by parties in their comments, within 120 days after issuance of these preliminary results.

Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, CVDs on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Instructions

The Department also intends to instruct CBP to collect cash deposits of estimated CVDs in the amounts shown above. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: June 18, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Use of Facts Otherwise Available and Adverse Inferences
5. Subsidies Valuation Information
6. Benchmarks and Discount Rates
7. Analysis of Programs
8. Conclusion

[FR Doc. 2014–14908 Filed 6–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–953]

Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review; 2012

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on narrow woven ribbons with woven selvedge (ribbons) from the People's Republic of China (PRC). The period of review (POR) is January 1, 2012, through December 31, 2012. We preliminarily find that Yangzhou Bestpak Gifts & Crafts Co., Ltd. (Bestpak) received countervailable subsidies during the POR. We invite interested parties to comment on these preliminary results.

DATES: *Effective:* June 25, 2014.

FOR FURTHER INFORMATION CONTACT: Christopher Siepmann, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–7958.

Scope of the Order

The scope of the order consists of ribbons. The merchandise subject to this order is classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) statistical categories 5806.32.1020; 5806.32.1030; 5806.32.1050 and 5806.32.1060. Subject merchandise also may enter under subheadings 5806.31.00; 5806.32.20; 5806.39.20; 5806.39.30; 5808.90.00; 5810.91.00; 5810.99.90; 5903.90.10; 5903.90.25; 5907.00.60; and 5907.00.80 and under statistical categories 5806.32.1080; 5810.92.9080; 5903.90.3090; and 6307.90.9889. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description, available in *Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Countervailing Duty Order,* 75 FR 53642 (September 1, 2010), remains dispositive.

A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Countervailing Duty Administrative Review: Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China,'' dated concurrently with this notice (Preliminary Decision Memorandum), which is hereby adopted by this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://www.trade.gov/enforcement/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

---

[3] *See* 19 CFR 351.224(b).

[4] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[5] *See* 19 CFR 351.310(c).

[6] *See* 19 CFR 351.310.

Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a government-provided financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[1]

In making these findings, we relied on facts available and, because Bestpak and the Government of the PRC did not act to the best of their ability to respond to the Department's requests for information, we have drawn adverse inferences in selecting from among the facts otherwise available.[2] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of the Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for Bestpak for the period January 1, 2012, through December 31, 2012.

We preliminarily find that the net subsidy rate for Bestpak is as follows:

Producer/exporter	Net subsidy rate (percent)
Yangzhou Bestpak Gifts & Crafts Co., Ltd	51.02

Disclosure and Public Comment

All calculations for the preliminary results of this review are contained in the Preliminary Decision Memorandum and have been thereby disclosed.[3] Case briefs may be submitted to IA ACCESS by no later than 30 days after the day on which these preliminary results are published in the **Federal Register**.[4] Rebuttal briefs, which must be limited to issues raised in case briefs, may be submitted by no later than five days after the deadline for case briefs.[5] Parties who submit case briefs or rebuttal briefs in this proceeding should submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[6] The summary should be limited to five pages total, including footnotes.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice.[7] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, on a date and at a time and location to be determined. Parties will be notified of the date, time and location of any hearing.

Parties are reminded that briefs and hearing requests must be filed electronically using IA ACCESS and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department will issue the final results of this administrative review, including our analysis of and responses to issues raised by the parties in their comments, within 120 days after issuing these preliminary results.

Assessment Rates

Consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), upon issuance of the final results, the Department shall determine, and the U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

If the final results of this review are the same as these preliminary results, the Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown above for Bestpak. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213.

Dated: June 18, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

A. Background
B. Scope of the Order
C. Use of Facts Otherwise Available and Adverse Inferences
D. Supporting Information for AFA Findings
E. Subsidy Rate Chart
F. Disclosure and Public Comment

[FR Doc. 2014–14890 Filed 6–24–14; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[2] *See* sections 776(a) and (b) of the Act.

[3] 19 CFR 351.224(b) calls for the Department to disclose calculations performed in connection with the preliminary results of an administrative review within five days after the publication of the preliminary results.

[4] *See* 19 CFR 351.309(c)(1)(ii).

[5] *See* 19 CFR 351.309(d).

[6] *See* 19 CFR 351.309(c)(2) and (d)(2).

[7] *See* 19 CFR 351.310(c).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–860, C–580–875, C–557–817, C–523–809, C–583–855, C–489–821, C–552–819]

Certain Steel Nails From India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations

AGENCY: Enforcement and Compliance, Formerly Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective:* June 25, 2014.

FOR FURTHER INFORMATION CONTACT: David Cordell at (202) 482–0408 (India); Yasmin Nair at (202) 482–3813 (Malaysia); Joseph Shuler at (202) 482–1293 (the Republic of Korea (Korea)); Joshua Morris at (202) 482–1779 (the Sultanate of Oman (Oman)); Sandra Dreisonstok at (202) 482–0768 (Taiwan); Ilissa Shefferman at (202) 482–4684 (Turkey); Thomas Schauer at (202) 482–0410 (the Socialist Republic of Vietnam (Vietnam)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On May 29, 2014, the Department of Commerce (the Department) received

countervailing duty (CVD) petitions concerning imports of certain steel nails from India, Korea, Malaysia, Oman, Taiwan, Turkey and Vietnam filed in proper form on behalf of Mid Continent Steel & Wire (Petitioner). The CVD petitions were accompanied by seven antidumping duty (AD) petitions.[1] Petitioner is a domestic producer of certain steel nails. On June 3, 2014, the Department requested information and clarification for certain areas of the Petitions.[2] Petitioner filed responses to these requests on June 6, 2014.[3]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), Petitioner alleges that the Governments of India (GOI), Korea (GOK), Malaysia (GOM), Oman (GOO), Taiwan (GOTa), Turkey (GOTu), and Vietnam (GOV) are providing countervailable subsidies (within the meaning of sections 701 and 771(5) of the Act) to imports of certain steel nails from India, Korea, Malaysia, Oman, Taiwan, Turkey and Vietnam, and that such imports are materially injuring, or threaten to cause material injury to, the domestic industry producing certain steel nails in the United States pursuant to section 701 of the Act. Also, consistent with section 702(b)(1) of the Act, the Petitions are accompanied by information reasonably available to Petitioner supporting its allegations.

The Department finds that Petitioner filed the Petitions on behalf of the domestic industry because Petitioner is an interested party as defined in section 771(9)(C) of the Act, and that Petitioner demonstrated sufficient industry support with respect to the initiation of the investigations Petitioner is requesting.[4]

[1] *See* Petitions for the Imposition of Antidumping and Countervailing Duties on Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate Oman, Taiwan, the Republic of Turkey and the Socialist Republic of Vietnam, dated May 29, 2014 (Petitions).

[2] *See* letters from the Department to petitioner entitled ''Petition for the Imposition of Countervailing Duties on Imports of Certain Steel Nails from {Country}: Supplemental Questions'' on each of the country-specific records, dated June 3, 2014.

[3] *See* ''Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Petitioner's Response to the Department's June 3, 2014 Supplemental Questions on Volume I of the Petition,'' dated June 6, 2014 and ''Certain Steel Nails from {country}: Petitioner's Response to the Department's June 3, 2014 Supplemental Questions on Volume {country-specific volume} of the Petition,'' dated June 6, 2014.

[4] *See* ''Determination of Industry Support for the Petitions'' below.

Period of Investigations

The period of the investigations is January 1, 2013, through December 31, 2013.

Scope of Investigations

The product covered by these CVD investigations is certain steel nails from India, Korea, Malaysia, Oman, Taiwan, Turkey and Vietnam. For a full description of the scope of these investigations, *see* the ''Scope of Investigations'' in Appendix I of this notice.

Comments on Scope of Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, Petitioner pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.

As discussed in the preamble to the Department's regulations,[5] we are setting aside a period for interested parties to raise issues regarding product coverage (scope). The period for scope comments is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determination. If scope comments include factual information (see 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. All such comments must be filed by 5:00 p.m. Eastern Daylight Time (EDT) on July 8, 2014, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. EDT on July 18, which is 10 calendar days after the initial comments. The Department requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact the Department and request permission to submit the additional information. All comments must be filed on the records of the India, Korea, Malaysia, Oman, Taiwan, Turkey and Vietnam CVD investigations, as well as the concurrent India, Korea, Malaysia, Oman, Taiwan, Turkey and Vietnam AD investigations.

[5] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997).

Filing Requirements

All submissions to the Department must be filed electronically using IA ACCESS.[6] An electronically filed document must be received successfully in its entirety by the time and date when it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadline.

Consultations

Pursuant to section 702(b)(4)(A)(ii) of the Act, the Department invited representatives of GOI, GOK, GOM, GOO, GOTa, GOTu, and GOV for consultations with respect to the Petitions.[7] Consultations were held with the GOM on June 10, 2014, the GOO on June 13, 2014, the GOTa on June 16, 2014, the GOTu on June 17, 2014, and the GOK on June 17, 2014.[8] All memoranda are on file electronically via IA ACCESS.[9]

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the

[6] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using IA ACCESS can be found at *https://iaaccess.trade.gov/help.aspx* and a handbook can be found at *https://iaaccess.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[7] *See* letters of invitation regarding Countervailing Duty Petition on Certain Steel Nails from {Country}, dated May 30, 2014.

[8] *See* ''Ex-Parte Meeting with Officials from the Government of Malaysia on the Countervailing Duty Petition on Certain Steel Nails from Malaysia,'' dated June 13, 2014; ''Ex-Parte Meeting with Officials from the Government of Oman on the Countervailing Duty Petition on Certain Steel Nails from Oman,'' dated June 17, 2014; Ex-Parte Memorandum, ''Ex-Parte Meeting with Taipei Economic and Cultural Representative Office in the United States on the Countervailing Duty Petition on Certain Steel Nails from Taiwan,'' dated June 16, 2014; ''Ex-Parte Meeting with Officials from the Government of Turkey on the Countervailing Duty Petition on Certain Steel Nails from Turkey,'' dated June 18, 2014, and ''Ex-Parte Meeting with Officials from the Government of Korea on the Countervailing Duty Petition on Certain Steel Nails from Korea,'' dated June 18, 2014.

[9] *See supra* note 6 for information pertaining to IA ACCESS.

domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the industry.

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (*see* section 771(10) of the Act), they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[10]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, Petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that certain steel nails constitute a single domestic like product and we have analyzed industry support in terms of that domestic like product.[11]

In determining whether Petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. To establish industry support, Petitioner provided its own production of the domestic like product in 2013, as well as the 2013 production of companies that support the Petitions.[12] Petitioner compared the total production of itself and supporters of the Petitions to the estimated total production of the domestic like product for the entire domestic industry.[13] Petitioner estimated 2013 production of the domestic like product by non-petitioning companies based on its knowledge of the industry and the production capabilities and market shares of U.S. producers.[14] We have relied upon data Petitioner provided for purposes of measuring industry support.[15]

Based on information provided in the Petitions, supplemental submissions, and other information readily available to the Department, we determine that Petitioner has met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[16] Based on information provided in the Petitions, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions. Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.[17]

The Department finds that Petitioner filed the Petitions on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the CVD investigations that it is requesting the Department initiate.[18]

Injury Test

Because India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

Petitioner alleges that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S.

[10] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[11] For a discussion of the domestic like product analysis in this case, *see* Countervailing Duty Investigation Initiation Checklist: Certain Steel Nails from India (India CVD Initiation Checklist) at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam (Attachment II); Countervailing Duty Investigation Initiation Checklist: Certain Steel Nails from the Republic of Korea (Korea CVD Initiation Checklist), at Attachment II; Countervailing Duty Investigation Initiation Checklist: Certain Steel Nails from Malaysia (Malaysia CVD Initiation Checklist), at Attachment II; Countervailing Duty Investigation Initiation Checklist: Certain Steel Nails from the Sultanate of Oman (Oman CVD Initiation Checklist), at Attachment II; Countervailing Duty Investigation Initiation Checklist: Certain Steel Nails from Taiwan (Taiwan CVD Initiation Checklist), at Attachment II; Countervailing Duty Investigation Initiation Checklist: Certain Steel Nails from the Republic of Turkey (Turkey CVD Initiation Checklist), at Attachment II; and Countervailing Duty Investigation Initiation Checklist: Certain Steel Nails from the Socialist Republic of Vietnam (Vietnam CVD Initiation Checklist), at Attachment II. These checklists are dated concurrently with this notice and are on file electronically via IA ACCESS. Access to documents filed via IA ACCESS is also available in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building.

[12] *See* Volume I of the Petitions, at 5 and Exhibit General-1

[13] *Id.,* at Exhibit General-1; *see also* General Issues Supplement, at 7 and Exhibit General Supp-4.

[14] *Id.*

[15] *See* India CVD Initiation Checklist, Korea CVD Initiation Checklist, Malaysia CVD Initiation Checklist, Oman CVD Initiation Checklist, Taiwan CVD Initiation Checklist, Turkey CVD Initiation Checklist, and Vietnam CVD Initiation Checklist, at Attachment II.

[16] *Id.*

[17] *Id.*

[18] *Id.*

industry producing the domestic like product.[19] With regard to Korea, Oman, Taiwan, and Vietnam, Petitioner alleges that subject imports exceed the negligibility threshold of three percent provided for under section 771(24)(A) of the Act.[20]

In CVD petitions, section 771(24)(A)–(B) of the Act provides that imports of subject merchandise from developing countries must exceed the negligibility threshold of four percent. Malaysia and India have been designated as developing countries.[21] Therefore, imports from Malaysia and India must exceed the negligibility threshold of four percent. With regard to Malaysia, the allegedly subsidized imports exceed the negligibility threshold provided under section 771(24)(B) of the Act.[22]

With regard to India and Turkey, while the allegedly subsidized imports from these two countries do not meet the statutory negligibility thresholds of four and three percent, respectively,[23] Petitioner alleges and provides supporting evidence that these imports will imminently exceed the negligibility thresholds and, therefore, are not negligible.[24] Petitioner's arguments are consistent with the statutory criteria for ''negligibility in threat analysis'' under section 771(24)(A)(iv) of the Act, which provides that imports shall not be treated as negligible if there is a potential that subject imports from a country will imminently exceed the statutory requirements for negligibility.

Petitioner contends that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; underutilized capacity; shut downs and plant closures; reduced employment; and reduced profitability.[25] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[26]

Initiation of Countervailing Duty Investigations

Section 702(b)(1) of the Act requires the Department to initiate a CVD investigation whenever an interested party files a CVD petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to the petitioner supporting the allegations. In the Petitions, Petitioner alleges that producers of certain steel nails in India, Korea, Malaysia, Oman, Taiwan, Turkey and Vietnam benefited from countervailable subsidies bestowed by their respective governments. The Department examined the Petitions and finds that they comply with the requirements of section 702(b)(1) of the Act. Therefore, in accordance with section 702(b)(1) of the Act, we are initiating CVD investigations to determine whether manufacturers, producers, or exporters of certain steel nails from India, Korea, Malaysia, Oman, Taiwan, Turkey and Vietnam receive countervailable subsidies from their respective governments.

India

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation of 28 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* India CVD Initiation Checklist.

Korea

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation of 18 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* Korea CVD Initiation Checklist.

Malaysia

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation of 8 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* Malaysia CVD Initiation Checklist.

Oman

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation of 10 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* Oman CVD Initiation Checklist.

Taiwan

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation of 9 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* Taiwan CVD Initiation Checklist.

Turkey

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation of 25 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* Turkey CVD Initiation Checklist.

Vietnam

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation of 26 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* Vietnam CVD Initiation Checklist.

A public version of the initiation checklist for each investigation is available on IA ACCESS and at *http://trade.gov/enforcement/news.asp.*

Respondent Selection

Petitioner named 22 companies as producers/exporters of certain steel nails from India, 40 from Korea, 44 from Malaysia, 7 from Oman, 135 from Taiwan, and 12 from Turkey.[27] Following standard practice in CVD investigations, the Department will, where appropriate, select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of certain steel nails during the period of investigation under the following Harmonized Tariff Schedule of the United States (HTSUS) numbers: 7317.00.5502; 7317.00.5503; 7317.00.5505; 7317.00.5507; 7317.00.5508; 7317.00.5511; 7317.00.5518; 7317.00.5519; 7317.00.5520; 7317.00.5530; 7317.00.5540; 7317.00.5550; 7317.00.5560; 7317.00.5570;

[19] *See* Volume I of the Petition at 3.

[20] *See* Volume I of the Petitions, at 29 and Exhibit Injury-5.

[21] *See* section 771(36)(A)–(B) of the Act.

[22] *Id.*

[23] *See* sections 771(24)(A)–(B) and 771(36)(B) of the Act.

[24] *Id.,* at 29–32 and Exhibits Injury-2, Injury-5, Injury-6, and Injury-8 through Injury-13.

[25] *See* Volume I of the Petitions, at 32–58 and Exhibits General-6 and Injury-1 through Injury-26; *see also* General Issues Supplement, at 1 and Exhibit General Supp-1.

[26] *See* India CVD Initiation Checklist, Korea CVD Initiation Checklist, Malaysia CVD Initiation Checklist, Oman CVD Initiation Checklist, Taiwan CVD Initiation Checklist, Turkey CVD Initiation Checklist, and Vietnam CVD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam.

[27] *See* the Petition at Volume I, Exhibit General-5.

7317.00.5580; 7317.00.5590; 7317.00.6530; 7317.00.6560; and 7317.00.7500. We intend to release CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO shortly after the announcement of these case initiations. The Department invites comments regarding CBP data and respondent selection within five calendar days of publication of this **Federal Register** notice. Comments must be filed electronically using IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern time by the date noted above. We intend to make our decision regarding respondent selection within 20 days of publication of this **Federal Register** notice. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo.*

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the representatives of the GOI, GOK, GOM, GOO, GOTa, GOTu, and GOV. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each known exporter (as named in the Petitions), as provided in 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of certain steel nails from India, Korea, Malaysia, Oman, Taiwan, Turkey and Vietnam are materially injuring, or threatening material injury to, a U.S. industry.[28] A negative ITC determination for any country will result in the investigation being terminated with respect to that country; otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to AD and CVD proceedings: the definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all proceeding segments initiated on or after May 10, 2013, and thus are applicable to these investigations. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in these investigations.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in AD and CVD proceedings.[29] The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013 and, accordingly, apply to these investigations. Review *Extension of Time Limits; Final Rule,* available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[30] Parties are hereby reminded that the Department issued a final rule with respect to certification requirements, effective August 16, 2013.[31] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any AD or CVD proceedings initiated on or after August 16, 2013, including this investigation, should use the formats for the revised certifications provided at the end of the *Final Rule.*[32]

[28] *See* section 703(a) of the Act.

[29] *See Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013).

[30] *See* section 782(b) of the Act.

[31] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at the following: *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[32] *Id.*

The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act.

Dated: June 18, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Attachment I

Scope of the Investigations

The merchandise covered by these investigations is certain steel nails having a nominal shaft length not exceeding 12 inches.[33] Certain steel nails include, but are not limited to, nails made from round wire and nails that are cut from flat-rolled steel. Certain steel nails may be of one piece construction or constructed of two or more pieces. Certain steel nails may be produced from any type of steel, and may have any type of surface finish, head type, shank, point type and shaft diameter. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized, including but not limited to electroplating or hot dipping one or more times), phosphate, cement, and paint. Certain steel nails may have one or more surface finishes. Head styles include, but are not limited to, flat, projection, cupped, oval, brad, headless, double, countersunk, and sinker. Shank styles include, but are not limited to, smooth, barbed, screw threaded, ring shank and fluted. Screw-threaded nails subject to this proceeding are driven using direct force and not by turning the nail using a tool that engages with the head. Point styles include, but are not limited to, diamond, needle, chisel and blunt or no point. Certain steel nails may be sold in bulk, or they may be collated in any manner using any material. If packaged in combination with one or more non-subject articles, certain steel nails remain subject merchandise if the total number of nails of all types, in aggregate regardless of size, is equal to or greater than 25.

Excluded from the scope of these investigations are certain steel nails packaged in combination with one or more non-subject articles, if the total number of nails of all types, in aggregate regardless of size, is less than 25.

Also excluded from the scope of these investigations are steel nails that meet the specifications of Type I, Style 20 nails as identified in Tables 29 through 33 of ASTM Standard F1667 (2013 revision).

Also excluded from the scope of these investigations are nails suitable for use in powder-actuated hand tools, whether or not threaded, which are currently classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7317.00.20.00 and 7317.00.30.00.

Also excluded from the scope of these investigations are nails having a case hardness greater than or equal to 50 on the Rockwell Hardness C scale (HRC), a carbon content greater than or equal to 0.5 percent, a round head, a secondary reduced-diameter raised head section, a centered shank, and a smooth symmetrical point, suitable for use in gas-actuated hand tools.

Also excluded from the scope of these investigations are corrugated nails. A corrugated nail is made up of a small strip of corrugated steel with sharp points on one side.

Also excluded from the scope of these investigations are thumb tacks, which are currently classified under HTSUS 7317.00.10.00.

Certain steel nails subject to these investigations are currently classified under HTSUS subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Certain steel nails subject to these investigations also may be classified under HTSUS subheading 8206.00.00.00.

While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these investigations is dispositive.

[33] The shaft length of certain steel nails with flat heads or parallel shoulders under the head shall be measured from under the head or shoulder to the tip of the point. The shaft length of all other certain steel nails shall be measured overall.

[FR Doc. 2014–14870 Filed 6–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–859, A–580–874, A–557–816, A–523–808, A–583–854, A–489–820, A–552–818]

Certain Steel Nails From India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* June 25, 2014.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill at (202) 482–3518 (India); Drew Jackson at (202) 482–4406 (the Republic of Korea (Korea)); Dena Crossland at (202) 482–3362 (Malaysia); Trisha Tran at (202) 482–4852 (the Sultanate of Oman (Oman)); Brian Davis at (202) 482–7924 (Taiwan); Ericka Ukrow at (202) 482–0405 (the Republic of Turkey (Turkey)); or Edythe Artman at (202) 482–3931 (the Socialist Republic of Vietnam (Vietnam)), AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On May 29, 2014, the Department of Commerce (the Department) received antidumping duty (AD) petitions concerning imports of certain steel nails from India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam filed in proper form on behalf of Mid Continent Steel & Wire, Inc. (Petitioner). The AD petitions were accompanied by seven countervailing duty (CVD) petitions.[1] Petitioner is a domestic producer of certain steel nails.[2]

On June 3, 2014, the Department requested additional information and clarification of certain areas of the Petitions.[3] Petitioner filed responses to

[1] *See* Petitions for the Imposition of Antidumping and Countervailing Duties: Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam, dated May 29, 2014 (Petitions).

[2] *See* Volume I of the Petitions, at Exhibit General-1.

[3] *See* Letter from the Department to Petitioner entitled ''Re: Petitions for the Imposition of Antidumping Duties on Imports of Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Supplemental Questions'' dated June 3, 2014 (General Issues Supplemental Questionnaire), and Letters from the Department to Petitioner entitled ''Petition for the Imposition of Antidumping Duties

Continued

these requests on June 6, 2014,[4] June 9, 2014,[5] and June 10, 2014.[6] On June 11, 2014, Petitioner filed revised calculations for Volume VIII of the Petitions (concerning Vietnam) as requested by the Department.[7]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), Petitioner alleges that imports of certain steel nails from India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to Petitioner supporting its allegations.

The Department finds that Petitioner filed these Petitions on behalf of the domestic industry because Petitioner is an interested party as defined in section 771(9)(C) of the Act. The Department also finds that Petitioner demonstrated sufficient industry support with respect to the initiation of the AD investigations that Petitioner is requesting.[8]

Periods of Investigation

Because the Petitions were filed on May 29, 2014, the periods of investigation (POI) are, pursuant to 19 CFR 351.204(b)(1), as follows: April 1, 2013, through March 31, 2014, for India, Korea, Malaysia, Oman, Taiwan, and Turkey, and October 1, 2013, through March 31, 2014, for Vietnam.

Scope of the Investigations

The product covered by these investigations is certain steel nails from India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations,'' in Appendix I of this notice.

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, Petitioner pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[9]

As discussed in the preamble to the Department's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (''scope''). The period for scope comments is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determination. If scope comments include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. All such comments must be filed by 5:00 p.m. Eastern Daylight Time (EDT) on July 8, 2014, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. EDT on July 18, 2014, which is 10 calendar days after the initial comments.

The Department requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS).[10] An electronically filed document must be received successfully in its entirety by the time and date when it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

The Department requests comments from interested parties regarding the appropriate physical characteristics of certain steel nails to be reported in response to the Department's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors and costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe certain steel nails, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in

on Imports of Certain Steel Nails from {country}: Supplemental Questions'' on each of the country-specific records, dated June 3, 2014.

[4] *See* Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Petitioner's Response to the Department's June 3, 2014, Supplemental Questions on Volume I of the Petition, dated June 6, 2014 (General Issues Supplement), and Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Petitioner's Response to the Department's June 3,2014 Supplemental Question on Volume {volume number} of the Petition, dated June 6, 2014 ({country} Supplement).

[5] *See* Certain Steel Nails from Korea: Petitioner's Response to the Department's June 3, 2014 Supplemental Question on Volume III of the Petition, dated June 9, 2014 (Korea Supplement).

[6] On June 10, 2014, we received revised declarations regarding pricing information obtained by Petitioner for India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam. *See* Certain Steel Nails from {country}: Submission of Foreign Market Researcher Declaration, dated June 10, 2014.

[7] *See* Letter from Petitioner to the Department entitled ''Re: Certain Steel Nails from the Socialist Republic {of} Vietnam: Petitioner's Revised Calculations in Response to Department Instruction for Volume VIII of the Petition,'' dated June 11, 2014.

[8] *See* the ''Determination of Industry Support for the Petitions'' section below.

[9] *See* General Issues Supplemental Questionnaire; *see also* General Issues Supplement; *see also* Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Petitioner's Revised Scope Description in Response to Department Direction (Scope Supplement to the Petition), dated June 13, 2014.

[10] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using IA ACCESS can be found at *https://iaaccess.trade.gov/help.aspx* and a handbook can be found at *https://iaaccess.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all comments must be filed by 5:00 p.m. EDT on July 8, 2014, which is twenty calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. EDT on July 15, 2014. All comments and submissions to the Department must be filed electronically using IA ACCESS, as explained above, on the records of the India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam less-than-fair-value investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (*see* section 771(10) of the Act), they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[11]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, Petitioner does not offer a definition of the domestic like product distinct from the scope of these investigations. Based on our analysis of the information submitted on the record, we have determined that certain steel nails constitute a single domestic like product and we analyzed industry support in terms of that domestic like product.[12]

In determining whether Petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. To establish industry support, Petitioner provided its own production of the domestic like product in 2013, as well as the 2013 production of companies that support the Petitions.[13] Petitioner compared the total production of itself and supporters of the Petitions to the estimated total production of the domestic like product for the entire domestic industry.[14] Petitioner estimated 2013 production of the domestic like product by non-petitioning companies based on its knowledge of the industry and the production capabilities and market shares of U.S. producers.[15] We have relied upon data Petitioner provided for purposes of measuring industry support.[16]

Based on information provided in the Petitions, supplemental submissions, and other information readily available to the Department, we determine that Petitioner has met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[17] Based on information provided in the Petitions, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions. Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.[18]

The Department finds that Petitioner filed the Petitions on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the AD

[11] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[12] For a discussion of the domestic like product analysis in these investigations, *see* Antidumping Duty Investigation Initiation Checklist: Certain Steel Nails from India (India AD Initiation Checklist) at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam (Attachment II); Antidumping Duty Investigation Initiation Checklist: Certain Steel Nails from the Republic of Korea (Korea AD Initiation Checklist), at Attachment II; Antidumping Duty Investigation Initiation Checklist: Certain Steel Nails from Malaysia (Malaysia AD Initiation Checklist), at Attachment II; Antidumping Duty Investigation Initiation Checklist: Certain Steel Nails from the Sultanate of Oman (Oman AD Initiation Checklist), at Attachment II; Antidumping Duty Investigation Initiation Checklist: Certain Steel Nails from Taiwan (Taiwan AD Initiation Checklist), at Attachment II; Antidumping Duty Investigation Initiation Checklist: Certain Steel Nails from the Republic of Turkey (Turkey AD Initiation Checklist), at Attachment II; and Antidumping Duty Investigation Initiation Checklist: Certain Steel Nails from the Socialist Republic of Vietnam (Vietnam AD Initiation Checklist), at Attachment II. These checklists are dated concurrently with this notice and on file electronically via IA ACCESS. Access to documents filed via IA ACCESS is also available in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building.

[13] *See* Volume I of the Petitions, at 5 and Exhibit General-1.

[14] *Id.,* at Exhibit General-1; *see also* General Issues Supplement, at 7 and Exhibit General Supp-4.

[15] *Id.*

[16] *See* India AD Initiation Checklist, Korea AD Initiation Checklist, Malaysia AD Initiation Checklist, Oman AD Initiation Checklist, Taiwan AD Initiation Checklist, Turkey AD Initiation Checklist, and Vietnam AD Initiation Checklist, at Attachment II.

[17] *Id.*

[18] *Id.*

investigations that it is requesting the Department initiate.[19]

Allegations and Evidence of Material Injury and Causation

Petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the individual and cumulated imports of the subject merchandise sold at less than normal value (NV). In addition, with regard to Korea, Malaysia, Oman, Taiwan, and Vietnam, Petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[20] With regard to India and Turkey, while the allegedly dumped imports from these two countries do not exceed the statutory requirements for negligibility, Petitioner alleges and provides supporting evidence that these imports will imminently exceed the negligibility threshold and, therefore, are not negligible.[21] Petitioner's arguments are consistent with the statutory criteria for ''negligibility in threat analysis'' under section 771(24)(A)(iv) of the Act, which provides that imports shall not be treated as negligible if there is a potential that subject imports from a country will imminently exceed the statutory requirements for negligibility.

Petitioner contends that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; underutilized capacity; shut downs and plant closures; reduced employment; and reduced profitability.[22] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[23]

Allegations of Sales at Less Than Fair Value

The following is a description of the allegations of sales at less than fair value upon which the Department based its decision to initiate investigations of imports of certain steel nails from India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the country-specific initiation checklists.

Export Price

For India, Korea, Oman, Taiwan, and Vietnam, Petitioner based U.S. price on a resale price from a U.S. distributor/trading company to its downstream customers in the United States.[24]

For Turkey, Petitioner based U.S. price on price quotes for subject merchandise produced in Turkey by a producer of certain steel nails in that country and sold directly to a large distributor in the United States.[25]

For Malaysia, Petitioner based U.S. price on price quotes for subject merchandise produced in Malaysia by producer(s) of certain steel nails in that country and sold directly to a distributor in the United States as well as on a resale price from a U.S. distributor/trading company to its downstream customers in the United States.[26]

Petitioner obtained these price quotes from persons who directly received this information.[27]

For India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam, Petitioner made deductions for movement and other expenses consistent with the sales and delivery terms of the price quotes.[28] For India, Korea, Malaysia, Oman, Taiwan, and Vietnam, Petitioner additionally adjusted the quoted U.S. prices for mark-ups from the distributors/trading companies.[29] Petitioner made no other adjustments to U.S. price.

Normal Value

For India, Korea, Malaysia, and Turkey, Petitioner based NV on price quotes provided for the foreign like product produced in the subject country by producer(s) of certain steel nails in that country and sold or offered for sale in the subject country by producer(s) and/or traders of certain steel nails.[30]

For Taiwan and Oman, Petitioner was unable to obtain home-market or third-country prices; accordingly, Petitioner based NV on constructed value (CV).[31]

For India, Korea, Malaysia, and Turkey, Petitioner made deductions for movement expenses consistent with the terms of delivery.[32]

With respect to Vietnam, Petitioner states that the Department has long treated it as a non-market-economy (NME) country.[33] In accordance with section 771(18)(C)(i) of the Act, the presumption of NME status remains in effect until revoked by the Department. As the presumption of NME status for Vietnam has not been revoked by the Department, it remains in effect for purposes of the initiation of the investigation of certain steel nails from Vietnam. Accordingly, the NV of the product is appropriately based on factors of production (FOPs), valued in a surrogate market-economy country in accordance with section 773(c) of the Act. In the course of this investigation, all parties, including the public, will have the opportunity to provide relevant information related to the issues of Vietnam's NME status and the granting of separate rates to individual exporters.

Petitioner claims that India is an appropriate surrogate country because it is a market economy that is at a level of economic development comparable to that of Vietnam, it is a significant producer of comparable merchandise, and the data for valuing FOPs are both available and reliable.[34]

Based on the information provided by Petitioner, we believe it is appropriate to use India as a surrogate country for initiation purposes. Interested parties will have the opportunity to submit comments regarding surrogate-country selection and will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.[35]

[19] *Id.*

[20] *See* Volume I of the Petitions at 29 and Exhibit Injury-5.

[21] *Id.* at 29–32 and Exhibits Injury-2, Injury-5, Injury-6 and Injury-8 through Injury-13.

[22] *See* Volume I of the Petitions, at 13–58 and Exhibits General-6 and Injury-1 through Injury-26; *see also* General Issues Supplement, at 1 and Exhibit General Supp-1.

[23] *See* India AD Initiation Checklist, Korea AD Initiation Checklist, Malaysia AD Initiation Checklist, Oman AD Initiation Checklist, Taiwan AD Initiation Checklist, Turkey AD Initiation Checklist, and Vietnam AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam.

[24] *See* India AD Initiation Checklist, Korea AD Initiation Checklist, Oman AD Initiation Checklist, Taiwan AD Initiation Checklist, and Vietnam AD Initiation Checklist.

[25] *See* Turkey AD Initiation Checklist.

[26] *See* Malaysia AD Initiation Checklist.

[27] *See* India AD Initiation Checklist, Korea AD Initiation Checklist, Malaysia AD Initiation Checklist, Oman AD Initiation Checklist, Taiwan AD Initiation Checklist, Turkey AD Initiation Checklist, and Vietnam AD Initiation Checklist.

[28] *Id.*

[29] *Id.*

[30] *See* India AD Initiation Checklist, Korea AD Initiation Checklist, Malaysia AD Initiation Checklist, and Turkey AD Initiation Checklist.

[31] *See* Oman AD Initiation Checklist and Taiwan AD Initiation Checklist.

[32] *See* Korea AD Initiation Checklist, Malaysia AD Initiation Checklist, and Turkey AD Initiation Checklist.

[33] *See* Volume VIII of the Petition, at 11.

[34] *Id.* at 12.

[35] *See* 19 CFR 351.301(c)(3)(i). Note that this is the revised regulation published on April 1, 2013. *See http://www.gpo.gov/fdsys/pkg/CFR-2013-title19-vol3/html/CFR-2013-title19-vol3.htm.*

Factors of Production

Petitioner based the FOPs for materials, labor, and energy on the product-specific consumption rates of a non-Vietnamese producer of nail products, as it had no access to the consumption rates of a Vietnamese producer of certain steel nails.[36] Petitioner asserts that the experience of this producer is appropriate for comparison to Vietnamese certain steel nails producers because this producer manufactures comparable merchandise.[37]

Valuation of Raw Materials

Petitioner valued the FOP for carbon steel wire rod (*i.e.,* the primary raw material used to produce the subject merchandise) using price data published in *Steel Insights.*[38] For all other raw materials, including wire rod scrap and packing materials, Petitioner relied upon Indian import statistics published by *Global Trade Atlas* for the period from August 2013 through January 2014, the most POI-contemporaneous 6-month period of data available.[39] In its calculations of surrogate values based on these data, Petitioner excluded all import data from countries previously determined by the Department to maintain broadly available, non-industry-specific export subsidies and from countries previously determined by the Department to be NME countries. In addition, in accordance with the Department's practice, the average import value excludes imports that were labeled as originating from an unidentified country.

Valuation of Labor

Petitioner calculated labor for wire-drawing and nail production using industry-specific wage rates for India from the *Yearbook of Labor Statistics,* a labor database compiled by the International Labor Organization.[40] Petitioner adjusted these rates, which date from 2005, for inflation using the Consumer Price Index for India, published in the International Monetary Fund's *International Financial Statistics.*[41]

Valuation of Energy and Water

Petitioner valued electricity based on data, dated no later than March 2008 and pertaining to industrial users, from the Central Electricity Authority of the Government of India.[42] In keeping with the Department's methodology in *Certain Oil Country Tubular Goods From Socialist Republic of Vietnam: Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances, in Part, and Postponement of Final Determination,* 79 FR 10478 (February 25, 2014), Petitioner did not adjust these data for inflation because the rates listed in the source became effective on a variety of dates.[43] Petitioner valued natural gas based on a rate obtained from the International Energy Agency's 2010 working paper entitled ''Natural Gas in India.''[44]

Petitioner valued water based on data pertaining to Indian industrial users from the Maharashtra Industrial Development Corporation (MIDC). From the MIDC's Web site, Petitioner was able to confirm that the rates in effect in April 2011 remained in effect as of May 2014.[45]

Valuation of Factory Overhead, Selling, General and Administrative Expenses, and Profit

Petitioner calculated surrogate financial ratios (*i.e.,* manufacturing overhead, selling, general and administrative (SG&A) expenses, and profit) using the 2012–2013 audited, consolidated financial statement of Sundram Fasteners Ltd. (Sundram), an Indian producer of comparable merchandise (*i.e.,* steel fasteners), which is produced utilizing similar methods to those used to produce certain steel nails and which serve the same purpose of holding together two or more different materials.[46] Petitioner noted that Sundram's financial statement is a publicly-available source and that this company's financial information has been relied upon by the Department in previous NME proceedings involving certain steel nails.[47]

Normal Value Based on Constructed Value

For Oman and Taiwan, Petitioner based NV on CV, as neither a home market nor a third country price was reasonably available. Pursuant to section 773(e) of the Act, CV consists of the cost of manufacturing (COM); SG&A expenses; financial expenses; packing expenses; and profit.

For Oman, Petitioner calculated COM (except for labor and depreciation) based on the experience of a surrogate producer of nails, adjusted for known differences between the surrogate producer and the industry of Oman, during the proposed POI. Petitioner multiplied the surrogate producer's usage quantities by publicly-available data to value the inputs used to manufacture certain steel nails in Oman.[48] To determine labor, depreciation, SG&A, financial expenses, and profit rates, Petitioner relied on financial statements of producers of comparable merchandise operating in Oman.[49]

For Taiwan, Petitioner calculated COM (except for depreciation) based on the experience of a surrogate producer of nails, adjusted for known differences between the surrogate producer and the industry of Taiwan, during the proposed POI. Petitioner multiplied the surrogate producer's usage quantities by publicly-available data to value the inputs used to manufacture certain steel nails in Taiwan.[50] To determine depreciation, SG&A, financial expenses, and profit rates, Petitioner relied on financial statements of a producer of comparable merchandise operating in Taiwan.[51]

Fair Value Comparisons

Based on the data provided by Petitioner, there is reason to believe that imports of certain steel nails from India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of export price (EP) to NV in accordance with section 773(a) of the Act, the estimated dumping margin(s) for certain steel nails from: (1) India range from 450.96 percent to 589.78 percent;[52] (2) Korea range from 57.07 percent to 61.09 percent;[53] (3) Malaysia range from 27.86 percent to 39.35 percent;[54] (4) Oman is 154.33

[36] *See* Volume VIII of the Petition, at 13 and Exhibit Vietnam AD–13

[37] *Id.*

[38] *See* Volume VIII of the Petition at 15 through 16 and Exhibit Vietnam AD–16. *Steel Insights* is an Indian monthly publication of steel prices issued by the Joint Plant Committee, Kolkata.

[39] *Id.* at 15 through 16 and Exhibit Vietnam AD–15.

[40] *Id.* at 16 through 17 and Exhibit Vietnam AD–18.

[41] *Id.*

[42] *See* Volume VIII of the Petition at 17–18 and Exhibit Vietnam AD–19.

[43] *Id.* at 17 through 18 and Exhibit Vietnam AD–19.

[44] *Id.,* at 18 and Exhibit Vietnam AD–19.

[45] *Id.* at 18 through 19 and Exhibit Vietnam AD–19.

[46] *Id.* at 20 through 22 and Exhibit Vietnam AD–20.

[47] *Id.* at 21.

[48] *See* Oman AD Initiation Checklist.

[49] *Id.*

[50] *See* Taiwan AD Initiation Checklist.

[51] *Id.*

[52] *See* India AD Initiation Checklist.

[53] *See* Korea AD Initiation Checklist.

[54] *See* Malaysia AD Initiation Checklist.

percent;[55] (5) Taiwan is 78.17;[56] and 6) Turkey range from 41.19 percent to 115.56 percent.[57] Based on comparisons of EP to NV, in accordance with section 773(c) of the Act, the estimated dumping margin for certain steel nails from Vietnam is 323.99 percent.[58]

Initiation of Less-Than-Fair-Value Investigations

Based upon the examination of the AD Petitions on certain steel nails from India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam, we find that the Petitions meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of certain steel nails from India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam are being, or are likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Respondent Selection

Petitioner named 22 companies as producers/exporters of certain steel nails from India, 40 from Korea, 44 from Malaysia, 7 from Oman, 135 from Taiwan, and 12 from Turkey.[59] Following standard practice in AD investigations involving market-economy countries, the Department will, where appropriate, select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of certain steel nails under Harmonized Tariff Schedule of the United States (HTSUS) numbers: 7317.00.55.02; 7317.00.55.03; 7317.00.55.05; 7317.00.55.07; 7317.00.55.08; 7317.00.55.11; 7317.00.55.18; 7317.00.55.19; 7317.00.55.20; 7317.00.55.30; 7317.00.55.40; 7317.00.55.50; 7317.00.55.60; 7317.00.55.70; 7317.00.55.80; 7317.00.55.90; 7317.00.65.30; 7317.00.65.60; and 7317.00.75.00.[60] For India, Korea, Malaysia, Oman, Taiwan, and Turkey, we intend to release CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five-business days of publication of this **Federal Register** notice. The Department invites comments regarding respondent selection within seven days of publication of this **Federal Register** notice.

With respect to Vietnam, Petitioner identified 15 potential respondents.[61] In accordance with our standard practice for respondent selection in cases involving NME countries, we intend to issue quantity and value questionnaires to each potential respondent and base respondent selection on the responses received. In addition, the Department will post the quantity-and-value questionnaire along with filing instructions on the Enforcement and Compliance Web site at *http://www.trade.gov/enforcement/news.asp*.

Exporters/producers of certain steel nails from Vietnam that do not receive quantity-and-value questionnaires by mail may still submit a quantity and value response and can obtain a copy from the Enforcement and Compliance Web site. The quantity-and-value questionnaire must be submitted by all Vietnam exporters/producers no later than July 2, 2014, which is two-weeks from the signature date of this notice. All quantity-and-value questionnaires must be filed electronically *via* IA ACCESS.

Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application.[62] The specific requirements for submitting a separate-rate application in the Vietnam investigation are outlined in detail in the application itself, which is available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html*. The separate-rate application will be due 60 days after publication of this initiation notice. For exporters and producers who submit a separate-rate application and have been selected as mandatory respondents, these exporters and producers will only be eligible for consideration for separate-rate status when they respond to all parts of the questionnaire as mandatory respondents. The Department requires that respondents from Vietnam submit a response to both the quantity-and-value questionnaire and the separate-rate application by their respective deadlines in order to receive consideration for separate-rate status.

Use of Combination Rates

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[63]

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam *via* IA ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of certain steel nails from India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam are materially injuring or threatening material injury to a U.S. industry.[64] A negative ITC determination for any country will result in the investigation being terminated with respect to that country;[65] otherwise, these

[55] *See* Oman AD Initiation Checklist.

[56] *See* Taiwan AD Initiation Checklist.

[57] *See* Turkey AD Initiation Checklist.

[58] *See* Vietnam AD Initiation Checklist.

[59] *See* the Petitions at Volume I, Exhibit General-5.

[60] We note that HTSUS number 7317.00.55.01 covers merchandise excluded from the scope of these investigations. Therefore, we will not rely upon imports under this HTSUS number in our respondent selection analyses.

[61] *See* the Petitions at Volume I, Exhibit General-5.

[62] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

[63] *See* Policy Bulletin 05.1 at 6 (emphasis added).

[64] *See* section 733(a) of the Act.

[65] *Id.*

investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to AD and CVD proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all proceeding segments initiated on or after May 10, 2013, and thus are applicable to these investigations. Review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt* prior to submitting factual information in these investigations.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in AD and CVD proceedings.[66] The modification clarifies that parties may request an extension of time limits before a time limit established under 19 CFR 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under section 19 CFR 351.408(c) or to measure the adequacy of remuneration under section 19 CFR 351.511(a)(2) filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) quantity-and-value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Review *Extension of Time Limits; Final Rule,* available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this segment.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[67] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.[68] The Department intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed in 19 CFR 351.103(d)).

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: June 18, 2014.

Ronald Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigations

The merchandise covered by these investigations is certain steel nails having a nominal shaft length not exceeding 12 inches.[69] Certain steel nails include, but are not limited to, nails made from round wire and nails that are cut from flat-rolled steel. Certain steel nails may be of one piece construction or constructed of two or more pieces. Certain steel nails may be produced from any type of steel, and may have any type of surface finish, head type, shank, point type and shaft diameter. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized, including but not limited to electroplating or hot dipping one or more times), phosphate, cement, and paint. Certain steel nails may have one or more surface finishes. Head styles include, but are not limited to, flat, projection, cupped, oval, brad, headless, double, countersunk, and sinker. Shank styles include, but are not limited to, smooth, barbed, screw threaded, ring shank and fluted. Screw-threaded nails subject to this proceeding are driven using direct force and not by turning the nail using a tool that engages with the head. Point styles include, but are not limited to, diamond, needle, chisel and blunt or no point. Certain steel nails may be sold in bulk, or they may be collated in any manner using any material. If packaged in combination with one or more non-subject articles, certain steel nails remain subject merchandise if the total number of nails of all types, in aggregate

[66] *See Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013).

[67] *See* section 782(b) of the Act.

[68] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[69] The shaft length of certain steel nails with flat heads or parallel shoulders under the head shall be measured from under the head or shoulder to the tip of the point. The shaft length of all other certain steel nails shall be measured overall.

regardless of size, is equal to or greater than 25.

Excluded from the scope of these investigations are certain steel nails packaged in combination with one or more non-subject articles, if the total number of nails of all types, in aggregate regardless of size, is less than 25.

Also excluded from the scope of these investigations are steel nails that meet the specifications of Type I, Style 20 nails as identified in Tables 29 through 33 of ASTM Standard F1667 (2013 revision).

Also excluded from the scope of these investigations are nails suitable for use in powder-actuated hand tools, whether or not threaded, which are currently classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7317.00.20.00 and 7317.00.30.00.

Also excluded from the scope of these investigations are nails having a case hardness greater than or equal to 50 on the Rockwell Hardness C scale (HRC), a carbon content greater than or equal to 0.5 percent, a round head, a secondary reduced-diameter raised head section, a centered shank, and a smooth symmetrical point, suitable for use in gas-actuated hand tools.

Also excluded from the scope of these investigations are corrugated nails. A corrugated nail is made up of a small strip of corrugated steel with sharp points on one side.

Also excluded from the scope of these investigations are thumb tacks, which are currently classified under HTSUS 7317.00.10.00.

Certain steel nails subject to these investigations are currently classified under HTSUS subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Certain steel nails subject to these investigations also may be classified under HTSUS subheading 8206.00.00.00.

While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these investigations is dispositive.

[FR Doc. 2014–14858 Filed 6–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0059]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Annual Progress Report for the Title III Alternative Financing Program Under the Assistive Technology Act of 1998

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 25, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0059 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Robert Groenendaal, 202–245–7393.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual Progress Report for the Title III Alternative Financing Program Under the Assistive Technology Act of 1998.

OMB Control Number: 1820–0662.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 33.

Total Estimated Number of Annual Burden Hours: 891.

Abstract: Title III of the Assistive Technology Act of 1998 as in effect prior to the amendments of 2004 (Pub. L. 105–394) (AT Act of 1998) authorized grants to public agencies to support the establishment and maintenance of alternative financing programs (AFPs) that feature one or more alternative financing mechanisms to enable individuals with disabilities and their family members, guardians, advocates, and authorized representatives to purchase Assistive technology (AT). Section 307 of title III requires that RSA submit to Congress an annual report on the activities conducted under that title. In order to meet this requirement, states must provide annual progress reports to the Rehabilitation Services Administration (RSA).

Dated: June 19, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–14785 Filed 6–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0095]

Agency Information Collection Activities; Comment Request; Studies of Rural Education Achievement Program Grantees

AGENCY: Office of Planning, Evaluation and Policy Development (OPEPD), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before August 25, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0095 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E103, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Andrew Abrams, 202–401–1232.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Studies of Rural Education Achievement Program Grantees.

OMB Control Number: 1875—NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 310.

Total Estimated Number of Annual Burden Hours: 168.

Abstract: This request for OMB review asks for clearance to collect data through surveys and individual interviews that will inform a descriptive report on how grantees and subgrantees of the U.S. Department of Educations (the Department) Rural Education Achievement Program (REAP) experience various aspects of the program, including eligibility, planning, and use of funds, as well as any technical assistance needs regarding both administrative and programmatic issues. Pending clearance, the research team will administer a survey of a nationally representative sample of the approximately 6,000 total Small, Rural School Achievement (SRSA) grantees and Rural and Low-Income Schools (RLIS) subgrantees, telephone interviews of a purposively selected sample of 30 district administrators in SRSA grantee districts and RLIS subgrantee districts, and telephone interviews of REAP coordinators in all states receiving REAP funds.

Dated: June 20, 2014.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–14825 Filed 6–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0054]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Study of Enhanced College Advising in Upward Bound

AGENCY: Institute of Education Sciences/National Center for Education Statistics (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before July 25, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0054 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E103, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Marsha Silverberg, 202–208–7178.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in

response to this notice will be considered public records.

Title of Collection: Study of Enhanced College Advising in Upward Bound.

OMB Control Number: 1850—NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 1,400.

Total Estimated Number of Annual Burden Hours: 468.

Abstract: The Study of Enhanced College Advising in Upward Bound will test the effectiveness of providing Upward Bound projects with a professional development package and tools to provide semi-customized college advising to students participating in Upward Bound. Upward Bound projects will be invited to volunteer for the demonstration, and the first 200 projects to volunteer for the demonstration will be included. Volunteer projects will be randomly assigned so that half receive the staff training, materials, tools, and resources in the first wave (spring, summer, fall 2015), and the other half will receive the staff training, materials, tools, and resources in the second wave (summer and fall 2016). The study will follow students who participate in both groups of projects as 11th graders in the 2014–2015 school year. The study will examine the impact of the demonstration on key outcomes including college application behavior, college acceptance and matriculation, and receipt of financial aid. This first of two ICRs for the study requests approval for the overall evaluation design, to collect 11th grade student rosters at each participating project in order to define the evaluation sample, and to administer the student baseline survey. A later ICR will request approval for other data collection, including a Project Director survey and a follow-up student survey.

Dated: June 19, 2014.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–14749 Filed 6–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0051]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; SURVEY ON THE USE OF FUNDS UNDER TITLE II, PART A (''IMPROVING TEACHER QUALITY STATE GRANTS SUBGRANTS TO LEAS'')

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 25, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0051 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Daphne Kaplan, 202–401–7949.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: SURVEY ON THE USE OF FUNDS UNDER TITLE II, PART A (''IMPROVING TEACHER QUALITY STATE GRANTS SUBGRANTS TO LEAS'').

OMB Control Number: 1810–0618.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 850.

Total Estimated Number of Annual Burden Hours: 4,850.

Abstract: The Elementary and Secondary Education Act of 1965, as amended, provides funds to districts to improve the quality of their teaching and principal force and raise student achievement. These funds are provided to districts through Title II, Part A (Improving Teacher Quality State Grants Sub grants to Local Educational Agencies (LEA)). The purpose of this survey is for the U.S. Department of Education to have a better understanding of how districts use these funds. The survey also collects information on high-quality professional development in LEAs. In addition to the LEA survey, the package also includes a short survey for State Educational Agencies (SEA) that provides information on fiscal year allocations of Title II, Part A funds made to the LEAs selected for participation in the LEA survey.

This OMB clearance request is to continue these analyses using a similar data collection instrument and sampling plan for the 2014–2015 school year and subsequent years. Minor changes to the LEA survey are requested. No changes to the State Educational Agency (SEA) survey are required.

Dated: June 19, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–14783 Filed 6–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0094]

Agency Information Collection Activities; Comment Request; Annual Performance Report for the State Grant for Assistive Technology Program

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 25, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0094 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Robert Groenendaal, 202–245–7393.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual Performance Report for the State Grant for Assistive Technology Program.

OMB Control Number: 1820–0572.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or households, State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 190,456.

Total Estimated Number of Annual Burden Hours: 23,772.

Abstract: Section 4 of the Assistive Technology (AT) Act of 1998, as amended, requires states to submit annual data reports. This instrument helps the grantees report annual data related to the required activities implemented by the State under the AT Act. This data is used by Rehabilitation Services Administration (RSA) in order to prepare required annual reports to Congress. RSA calls this data collection an Annual Progress Report.

Dated: June 19, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–14782 Filed 6–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0052]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and approval; Comment Request; Annual Client Assistance Program (CAP) Report

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 25, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0052 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jim Doyle, 202–245–6630.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested

data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual Client Assistance Program (CAP) Report.

OMB Control Number: 1820–0528.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector, Federal Government.

Total Estimated Number of Annual Responses: 112.

Total Estimated Number of Annual Burden Hours: 1,792.

Abstract: Form RSA 227 is used to meet specific data collection requirements contained in Section 112 of the Rehabilitation Act of 1973, as amended, and its implementing Federal Regulations at 34 CFR Part 370. Data from the form have been used to evaluate individual programs. These data also have been used to indicate trends in the provision of services from year-to-year. In addition, Form RSA–227 is used to analyze and evaluate the effectiveness of individual Client Assistance Program (CAP) grantees. These agencies provide services to individuals seeking or receiving services from programs and projects authorized by the Rehabilitation Act of 1973, as amended. Form RSA–227 has enabled RSA to furnish the President and Congress with data on the provision of advocacy services and has helped to establish a sound basis for future funding requests.

Dated: June 19, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–14784 Filed 6–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0060]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Measures and Methods for the National Reporting System for Adult Education

AGENCY: Office of Career Technical and Adult Education (OCTAE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 25, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0060 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Michelle Meier, 202–245–7890.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Measures and Methods for the National Reporting System for Adult Education.

OMB Control Number: 1830–0027.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 57.

Total Estimated Number of Annual Burden Hours: 5,700.

Abstract: Title II of the Workforce Investment Act (WIAPub. L. 105–220), entitled the Adult Education and Family Literacy Act (AEFLA), creates a partnership among the Federal government, States, and localities to provide, on a voluntary basis, adult education and literacy services. Section 212 of Title II requires that a comprehensive performance accountability system be established to assess the effectiveness of eligible agencies in achieving continuous improvement of adult education and literacy activities in order to optimize the return on the Federal investment. The accountability system must include the following measures of performance. These measures are referred to in AEFLA as core indicators are: Demonstrated improvements in adult learners' literacy skill levels; placement in, retention in, or completion of postsecondary education, training, unsubsidized employment or career advancement; and receipt of a secondary school diploma or its recognized equivalent. States submit 10 required tables, 6 optional tables, 4 financial reports, 1 narrative report, and 1 data quality checklist.

Dated: June 19, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–14786 Filed 6–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information

National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers—Employment for Individuals with Intellectual and Developmental Disabilities

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133B–3.

DATES:

Applications Available: June 25, 2014.

Deadline for Notice of Intent to Apply: July 30, 2014.

Date of Pre-Application Meeting: July 16, 2014.

Deadline for Transmittal of Applications: August 25, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Research and Training Centers (RRTCs)

The purpose of the RRTCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to achieve the goals of, and improve the effectiveness of, services authorized under the Rehabilitation Act through well-designed research, training, technical assistance, and dissemination activities in important topical areas as specified by NIDRR with guidance from its Rehabilitation Research Advisory Council. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, family members, policymakers and other research stakeholders. Additional information on the RRTC program can be found at: *http://www2.ed.gov/programs/rrtc/index.html*.

Priorities: NIDRR has established two absolute priorities for the competition announced in this notice. Absolute Priority 1, the General RRTC Requirements priority, is from the notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on February 1, 2008 (73 FR 6132). Absolute Priority 2 is from the notice of final priority for the Disability and Rehabilitation Research Projects and Centers Program, published elsewhere in this issue of the **Federal Register**.

Absolute Priorities: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet both of these absolute priorities.

These priorities are:

Absolute Priority 1—General RRTC Requirements

Note: The full text of Absolute Priority is included in the notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on February 1, 2008 (73 FR 6132), and in the application package for this competition.

Absolute Priority 2—Employment for Individuals with Intellectual and Developmental Disabilities

Note: The full text of Absolute Priority 2 is included in the notice of final priority published elsewhere in this issue of the **Federal Register** and in the application package for this competition.

Program Authority: 29 U.S.C. 762(g) and 764(b)(2)(A).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 86, and 97. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 350. (d) The notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program published in the **Federal Register** on February 1, 2008 (73 FR 6132). (e) The notice of final priority for this program, published elsewhere in this issue of the **Federal Register**.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.
Estimated Available Funds: $875,000.
Maximum Award: $875,000.
Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: 60 months.

III. Eligibility Information

1. *Eligible Applicants:* States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; IHEs; and Indian tribes and tribal organizations.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html*. To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov*.

If you request an application from ED Pubs, be sure to identify this program as follows: CFDA number 84.133B–3.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc)

by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for each competition announced in this notice.

Notice of Intent to Apply: Due to the broad nature of the priorities in these competitions, and to assist with the selection of reviewers for these competitions, NIDRR is requesting all potential applicants to submit a letter of intent (LOI). The submission is not mandatory and the content of the LOI will not be peer reviewed or otherwise used to rate an applicant's application.

Each LOI should be limited to a maximum of four pages and include the following information: (1) The title of the proposed project, the name of the applicant, the name of the Project Director or Principal Investigator (PI), and the names of partner institutions and entities; (2) a brief statement of the vision, goals, and objectives of the proposed project and a description of its activities at a sufficient level of detail to allow NIDRR to select potential peer reviewers; (3) a list of proposed project staff including the Project Director or PI and key personnel; (4) a list of individuals whose selection as a peer reviewer might constitute a conflict of interest due to involvement in proposal development, selection as an advisory board member, co-PI relationships, etc.; and (5) contact information for the Project Director or PI. Submission of an LOI is not a prerequisite for eligibility to submit an application.

NIDRR will accept the optional LOI via mail (through the U.S. Postal Service or commercial carrier) or email, by July 30, 2014. The LOI must be sent to: Patricia Barrett, U.S. Department of Education, 550 12th Street SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202; or by email to: *patricia.barrett@ed.gov*.

For further information regarding the LOI submission process, contact Patricia Barrett at (202) 245–6211.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part III to the equivalent of no more than 100 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative. You are not required to double space titles, headings, footnotes, references, captions, or text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

Note: Please submit an appendix that lists every collaborating organization and individual named in the application, including staff, consultants, contractors, and advisory board members. We will use this information to help us screen for conflicts of interest with our reviewers.

An applicant should consult NIDRR's Long-Range Plan for Fiscal Years 2013–2017 (78 FR 20299) (Plan) when preparing its application. The Plan is organized around the following research domains: (1) Community Living and Participation; (2) Health and Function; and (3) Employment.

3. *Submission Dates and Times:*

Applications Available: June 25, 2014.

Date of Pre-Application Meeting: Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDRR staff. The pre-application meeting will be held on July 16, 2014. Interested parties may participate in this meeting by conference call with NIDRR staff from the Office of Special Education and Rehabilitative Services between 1:00 p.m. and 3:00 p.m., Washington, DC time. NIDRR staff also will be available from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information and technical assistance through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or to arrange for an individual consultation, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Deadline for Notice of Intent to Apply: July 30, 2014.

Deadline for Transmittal of Applications: August 25, 2014.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN,

please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications

Applications for grants under this competition, CFDA number 84.133B–3, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for this RRTC competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.133, not 84.133B).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following

business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; *and*
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202–2700. FAX: (202) 245–6211.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133B–3), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133B–3), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the program under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 350.54 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic

version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* To evaluate the overall success of its research program, NIDRR assesses the quality of its funded projects through a review of grantee performance and products. Each year, NIDRR examines a portion of its grantees to determine:

- The number of products (e.g., new or improved tools, methods, discoveries, standards, interventions, programs, or devices developed or tested with NIDRR funding) that have been judged by expert panels to be of high quality and to advance the field.
- The average number of publications per award based on NIDRR-funded research and development activities in refereed journals.
- The percentage of new NIDRR grants that assess the effectiveness of interventions, programs, and devices using rigorous methods.

NIDRR uses information submitted by grantees as part of their Annual Performance Reports for these reviews.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202–2700. Telephone: (202) 245–6211 or by email: *patricia.barrett@ed.gov.*

If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll-free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 20, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–14900 Filed 6–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information

National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers—Improving Employment Outcomes for Individuals with Psychiatric Disabilities Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133B–5.

Dates:

Applications Available: June 25, 2014.

Deadline for Notice of Intent to Apply: July 30, 2014.

Date of Pre-Application Meeting: July 16, 2014. Deadline for Transmittal of Applications: August 25, 2014. Full Text of Announcement.

I. Funding Opportunity Description

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Research and Training Centers (RRTCs)

The purpose of the RRTCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to achieve the goals of, and improve the effectiveness of, services authorized under the Rehabilitation Act through well-designed research, training, technical assistance, and dissemination activities in important topical areas, as specified by NIDRR. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, family members, policymakers, and other research stakeholders. Additional information on the RRTC program can be found at: *http://www2.ed.gov/programs/rrtc/index.html#types.*

Priorities: NIDRR has established two absolute priorities for the competition announced in this notice. The General RRTC Requirements priority, which applies to all RRTC competitions, is from the notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on February 1, 2008 (73 FR 6132). The Improving Employment Outcomes for Individuals with Psychiatric Disabilities priority is from the notice of final priority for the Disability and Rehabilitation Research Projects and Centers Program, published elsewhere in this issue of the **Federal Register**.

Absolute Priorities: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet both of these priorities.

These priorities are:

Absolute Priority 1—General RRTC Requirements.

Note: The full text of the General RRTC Requirements priority is included in the notice of final priority for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on February 1, 2008 (73 FR 6132), and in the applicable application package.

Absolute Priority 2—Improving Employment Outcomes for Individuals with Psychiatric Disabilities.

Note: The full text of the Improving Employment Outcomes for Individuals with Psychiatric Disabilities priority is included in the notice of final priority published elsewhere in this issue of the **Federal Register** and in the applicable application package.

Program Authority: 29 U.S.C. 762(g) and 764(b)(2)(A).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 86, and 97. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 350. (d) The notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program published in the **Federal Register** February 1, 2008 (73 FR 6132). (e) The notice of final priority, published elsewhere in this issue of the **Federal Register**.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.
Estimated Available Funds: $875,000.
Maximum Award: $875,000.
Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: 60 months.

III. Eligibility Information

1. *Eligible Applicants:* States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; IHEs; and Indian tribes and tribal organizations.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this program as follows: CFDA number 84.133B–5.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Notice of Intent to Apply: Due to the broad nature of the priorities in the competition, and to assist with the selection of reviewers for the competition, NIDRR is requesting all potential applicants to submit a letter of intent (LOI). The submission is not mandatory and the content of the LOI will not be peer reviewed or otherwise used to rate an application.

Each LOI should be limited to a maximum of four pages and include the following information: (1) The title of the proposed project, the name of the applicant, the name of the Project Director or Principal Investigator (PI), and the names of partner institutions and entities; (2) a brief statement of the vision, goals, and objectives of the proposed project and a description of its activities at a sufficient level of detail to allow NIDRR to select potential peer reviewers; (3) a list of proposed project staff including the Project Director or PI and key personnel; (4) a list of individuals whose selection as a peer reviewer might constitute a conflict of interest due to involvement in proposal development, selection as an advisory board member, co-PI relationships, etc.; and (5) contact information for the Project Director or PI. Submission of an LOI is not a prerequisite for eligibility to submit an application.

NIDRR will accept the optional LOI via mail (through the U.S. Postal Service or commercial carrier) or email, by July 30, 2014. The LOI must be sent to: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., room 5142, Potomac Center Plaza (PCP), Washington, DC 20202; or by email to: *patricia.barrett@ed.gov.*

For further information regarding the LOI submission process, contact Patricia Barrett at (202) 245–6211. Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part III to the equivalent of no more than 100 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative. You are not

required to double space titles, headings, footnotes, references, captions, or text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

Note 1: Please submit an appendix that lists every collaborating organization and individual named in the application, including staff, consultants, contractors, and advisory board members. We will use this information to help us screen for conflicts of interest with our reviewers.

Note 2: An applicant should consult NIDRR's Long-Range Plan for Fiscal Years 2013–2017 (78 FR 20299) (Plan) when preparing its application. The Plan is organized around the following research domains: (1) Community Living and Participation; (2) Health and Function; and (3) Employment.

3. *Submission Dates and Times:*

Applications Available: June 25, 2014.

Deadline for Notice of Intent to Apply: July 30, 2014.

Date of Pre-Application Meeting: Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDRR staff. The pre-application meeting will be held on July 16, 2014. Interested parties may participate in this meeting by conference call with NIDRR staff from the Office of Special Education and Rehabilitative Services between 1:00 p.m. and 3:00 p.m., Washington, DC time. NIDRR staff also will be available from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information and technical assistance through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or to arrange for an individual consultation, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Deadline for Transmittal of Applications: August 25, 2014.

Applications for grants under the competition announced in this notice must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the RRTC competition, CFDA Number 84.133B–5, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as

described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the RRTC competition (CFDA Number 84.133B–5) at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.133, not 84.133B).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page. In addition, for specific guidance and procedures for submitting an application through Grants.gov, please refer to the Grants.gov Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number.

This notification indicates receipt by Grants.gov only, not receipt by the Department. Grants.gov will also notify you automatically by email if your application met all the Grants.gov validation requirements or if there were any errors. You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by Grants.gov, the Department will retrieve your application from Grants.gov and send you an email with a unique PR/Award number for your application. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

These emails do not mean that your application is free of any disqualifying errors. It is your responsibility to ensure that your submitted application has met all of the Department's requirements, including submitting all of the attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format, as described in this notice and in the application instructions.

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system;

and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202–2700. FAX: (202) 245–6211.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133B–5), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133B–5), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 350.54 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/*

fund/grant/apply/appforms/appforms.html.

4. *Performance Measures:* To evaluate the overall success of its research program, NIDRR assesses the quality of its funded projects through a review of grantee performance and products. Each year, NIDRR examines a portion of its grantees to determine:

- The number of products (e.g., new or improved tools, methods, discoveries, standards, interventions, programs, or devices developed or tested with NIDRR funding) that have been judged by expert panels to be of high quality and to advance the field.
- The average number of publications per award based on NIDRR-funded research and development activities in referred journals.
- The percentage of new NIDRR grants that assess the effectiveness of interventions, programs, and devices using rigorous methods.

NIDRR uses information submitted by grantees as part of their Annual Performance Reports for these reviews.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202–2700. Telephone: (202) 245–6211 or by email: *patricia.barrett@ed.gov.*

If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5037, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll-free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 20, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–14907 Filed 6–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA Numbers: 84.007, 84.033, 84.038, 84.063, and 84.268.]

Free Application for Federal Student Aid (FAFSA®) Information To Be Verified for the 2015–2016 Award Year

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: For each award year, the Secretary publishes in the **Federal Register** a notice announcing the FAFSA information that an institution and an applicant may be required to verify, as well as the acceptable documentation for verifying FAFSA information. This is the notice for the 2015–2016 award year.

FOR FURTHER INFORMATION CONTACT: Jacquelyn C. Butler, U.S. Department of Education, 1990 K Street NW., Room 8053, Washington, DC 20006. Telephone: (202) 502–7890.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: The Secretary will include on the applicant's Institutional Student Information Record (ISIR) flags that will indicate that the applicant has been selected by the Secretary for verification and the Verification Tracking Group that the applicant has been placed in, which in turn indicates which FAFSA information needs to be verified for that applicant and, if appropriate, the applicant's parent(s) or spouse. The Student Aid Report (SAR) provided to the applicant will indicate that the applicant's FAFSA information has been selected for verification and direct the applicant to the institution for further instructions for completing the verification process.

The following chart lists, for the 2015–2016 award year, the FAFSA information that an institution and an applicant and, if appropriate, the applicant's parent(s) or spouse, may be required to verify under 34 CFR 668.56. The chart also lists the acceptable documentation that must be provided under § 668.57 to an institution for that information to be verified.

FAFSA information	Acceptable documentation
Income information for tax filers[1 3] ..... a. Adjusted Gross Income (AGI) b. U.S. Income Tax Paid c. Untaxed Portions of IRA Distributions d. Untaxed Portions of Pensions e. IRA Deductions and Payments f. Tax Exempt Interest Income g. Education Credits	For income information listed under items a through g for tax filers— (1) Tax year 2014 information that the Secretary has identified as having been obtained from the Internal Revenue Service (IRS) through the IRS Data Retrieval Tool[2] and that has not been changed after the information was obtained from the IRS; or (2) A transcript[2] obtained from the IRS that lists tax account information of the tax filer for tax year 2014.

FAFSA information	Acceptable documentation
h. Other Untaxed Income	For tax filers required to verify other untaxed income, a statement signed by the applicant and, if the applicant is a dependent student, by one of the applicant's parents that lists— (1) The sources of other untaxed income as provided under section 480(b) of the Higher Education Act of 1965, as amended (HEA), and the amount of income from each source for tax year 2014; and (2) A copy of IRS Form W–2[4] for each source of employment income received for tax year 2014.
Income information for tax filers with special circumstances[1 3]. a. Adjusted Gross Income (AGI) b. U.S. Income Tax Paid c. Untaxed Portions of IRA Distributions d. Untaxed Portions of Pensions e. IRA Deductions and Payments f. Tax Exempt Interest Income g. Education Credits	(1) For a student or the parent(s) of a dependent student who filed a 2014 joint income tax return and whose income is used in the calculation of the applicant's expected family contribution and who at the time the FAFSA was completed was separated, divorced, widowed, or married to someone other than the individual included on the 2014 joint income tax return— (a) A transcript[2] obtained from the IRS that lists tax account information of the tax filer(s) for tax year 2014; and (b) A copy of IRS Form W–2[4] for each source of employment income received for tax year 2014. (2) For an individual who is required to file a 2014 IRS income tax return and has been granted a filing extension by the IRS— (a) A copy of IRS Form 4868, ''Application for Automatic Extension of Time to File U.S. Individual Income Tax Return,'' that the individual filed with the IRS for tax year 2014; (b) If applicable, a copy of the IRS's approval of an extension beyond the automatic six-month extension if the individual requested an additional extension of the filing time for tax year 2014; (c) A copy of IRS Form W–2[4] for each source of employment income received for tax year 2014; and (d) If self-employed, a signed statement certifying the amount of AGI and U.S. income tax paid for tax year 2014. **Note:** An institution may require that, after the income tax return is filed, an individual granted a filing extension submit tax information using the IRS Data Retrieval Tool[2] or by obtaining a transcript[2] from the IRS that lists tax account information for tax year 2014. When an institution receives such information, it must be used to reverify the FAFSA information contained on the transcript[2].
h. Other Untaxed Income	(3) For tax filers with special circumstances who are required to verify other untaxed income, a statement signed by the applicant and, if the applicant is a dependent student, by one of the applicant's parents, that lists the sources of other untaxed income as provided under section 480(b) of the HEA and the amount of income from each source for tax year 2014.
Income information for nontax filers	For an individual who has not filed and, under IRS rules or other applicable government agency rules, is not required to file a 2014 income tax return—
a. Income earned from work b. Other Untaxed Income	(1) A signed statement certifying— (a) That the individual has not filed and is not required to file an income tax return for tax year 2014; (b) The sources of income earned from work and the amount of income from each source for tax year 2014; (c) For nontax filers required to verify other untaxed income, the source of income as provided under section 480(b) of the HEA and the amount of income from each source for tax year 2014; and (2) A copy of IRS Form W–2[4] for each source of employment income received for tax year 2014. **Note:** If an institution has reason to believe that the signed statement provided by the applicant regarding whether the applicant has not filed and is not required to file a 2014 income tax return is inaccurate, the institution must request that the applicant obtain confirmation of non-filing from the IRS.
Number of Household Members	A statement signed by the applicant and, if the applicant is a dependent student, by one of the applicant's parents that lists the name and age of each household member and the relationship of that household member to the applicant. **Note:** Verification of number of household members is not required if— • For a dependent student, the household size indicated on the ISIR is two and the parent is single, separated, divorced, or widowed, or the household size indicated on the ISIR is three if the parents are married or unmarried and living together; or • For an independent student, the household size indicated on the ISIR is one and the applicant is single, separated, divorced, or widowed, or the household size indicated on the ISIR is two if the applicant is married.
Number in College	(1) A statement signed by the applicant and, if the applicant is a dependent student, by one of the applicant's parents listing the name and age of each household member who is or will be attending an eligible postsecondary educational institution as at least a half-time student in the 2015–2016 award year in a program that leads to a degree or certificate and the name of that educational institution. (2) If an institution has reason to believe that the signed statement provided by the applicant regarding the number of household members enrolled in eligible postsecondary institutions is inaccurate, the institution must obtain documentation from each institution named by the applicant that the household member in question is, or will be, attending on at least a half-time basis unless—

FAFSA information	Acceptable documentation
	(a) The applicant's institution determines that such documentation is not available because the household member in question has not yet registered at the institution the household member plans to attend; or (b) The institution has documentation indicating that the household member in question will be attending the same institution as the applicant. **Note:** Verification of the number of household members in college is not required if the number in college indicated on the ISIR is "1."
Supplemental Nutrition Assistance Program (SNAP, formerly known as the Food Stamp Program).	(1) A statement signed by the applicant or, if the applicant is a dependent student, by one of the applicant's parents affirming that SNAP benefits were received by someone in the household during the 2013 and/or 2014 calendar year. (2) If an institution has reason to believe that the signed statement provided by the applicant regarding the receipt of SNAP benefits is inaccurate, the applicant must provide the institution with documentation from the agency that issued the SNAP benefits. **Note:** Verification of the receipt of SNAP benefits is not required if the receipt of SNAP benefits is not indicated on the applicant's ISIR.
Child Support Paid	(1) A statement signed by the applicant or parent, as appropriate, certifying— (a) The amount of child support paid; (b) The name of the person who paid the child support; (c) The name of the person to whom child support was paid; and (d) The names and ages of the children for whom child support was paid. (2) If the institution has reason to believe that the information provided in the signed statement is inaccurate, the institution must obtain documentation such as— (a) A copy of the separation agreement or divorce decree that shows the amount of child support to be provided; (b) A statement from the individual receiving the child support showing the amount received; or (c) Documentation that the child support payments were made (e.g., copies of the child support checks, money order receipts, or similar records of electronic payments having been made). **Note:** Verification of child support paid is not required if child support paid is not indicated on the applicant's ISIR.
High School Completion Status	(1) *High School Diploma* (a) A copy of the applicant's high school diploma; (b) A copy of the applicant's final official high school transcript that shows the date when the diploma was awarded; or (c) A copy of the "secondary school leaving certificate" (or other similar document) for students who completed secondary education in a foreign country and are unable to obtain a copy of their high school diploma or transcript. **Note:** Institutions that have the expertise may evaluate foreign secondary school credentials to determine their equivalence to U.S. high school diplomas. Institutions may also use a foreign diploma evaluation service for this purpose. (2) *Recognized Equivalent of a High School Diploma* (a) General Educational Development (GED) Certificate or GED transcript; (b) A State certificate or transcript received by a student after the student has passed a State-authorized examination (HiSET, TASC, or other State-authorized examination) that the State recognizes as the equivalent of a high school diploma; (c) An academic transcript that indicates the student successfully completed at least a two-year program that is acceptable for full credit toward a bachelor's degree at any participating institution; or (d) For a person who is seeking enrollment in an educational program that leads to at least an associate degree or its equivalent and who excelled academically in high school but did not finish, documentation from the high school that the student excelled academically and documentation from the postsecondary institution that the student has met its written policies for admitting such students. (3) *Homeschool* (a) If the State where the student was homeschooled requires by law that such students obtain a secondary school completion credential for homeschool (other than a high school diploma or its recognized equivalent), a copy of that credential; or (b) If State law does not require the credential noted in 3a), a transcript or the equivalent signed by the student's parent or guardian that lists the secondary school courses the student completed and documents the successful completion of a secondary school education in a homeschool setting. **Note:** In cases where documentation of an applicant's completion of a secondary school education is unavailable, e.g., the secondary school is closed and information is not available from another source, such as the local school district or a State Department of Education, or in the case of homeschooling, the parent(s)/guardian(s) who provided the homeschooling is deceased, an institution may accept alternative documentation to verify the applicant's high school completion status. When documenting an applicant's high school completion status, an institution may rely on documentation it has already collected for purposes other than the Title IV verification requirements if the documentation meets the criteria outlined above (e.g., high school transcripts maintained in the admissions office).
Identity/Statement of Educational Purpose	(1) An applicant must appear in person and present the following documentation to an institutionally authorized individual to verify the applicant's identity:

FAFSA information	Acceptable documentation
	(a) A valid government-issued photo identification such as, but not limited to, a driver's license, non-driver's identification card, other State-issued identification, or passport. The institution must maintain an annotated copy of the valid government-issued photo identification that includes— i. The date the identification was presented; and ii. The name of the institutionally authorized individual who reviewed the identification; and (b) A signed statement using the exact language as follows, except that the student's identification number is optional if collected elsewhere on the same page as the statement: **Statement of Educational Purpose** I certify that I _____ (Print Student's Name) am the individual signing this Statement of Educational Purpose and that the Federal student financial assistance I may receive will only be used for educational purposes and to pay the cost of attending _____ _____ (Name of Postsecondary Educational Institution) for 2015–2016. _____ (Student's Signature) (Date) _____ (Student's ID Number) (2) If an institution determines that an applicant is unable to appear in person to present a valid photo identification and execute the Statement of Educational Purpose, the applicant must provide the institution with— (a) A copy of a valid government-issued photo identification such as, but not limited to, a driver's license, non-driver's identification card, other State-issued identification, or passport that is acknowledged in a notary statement or a copy of the valid photo identification presented to a notary; and (b) An original notarized statement signed by the applicant using the exact language as follows, except that the student's identification number is optional if collected elsewhere on the same page as the statement: **Statement of Educational Purpose** I certify that I _____ (Print Student's Name) am the individual signing this Statement of Educational Purpose and that the Federal student financial assistance I may receive will only be used for educational purposes and to pay the cost of attending _____ _____ (Name of Postsecondary Educational Institution) for 2015–2016. _____ (Student's Signature) (Date) _____ (Student's ID Number)

[1] A tax filer who filed an income tax return other than an IRS form, such as a foreign or Puerto Rican tax form, must use the income information (converted to U.S. dollars) from the lines of that form that correspond most closely to the income information reported on a U.S. income tax return. An institution may also accept a transcript obtained from a government of a U.S. territory or commonwealth, or a foreign central government that includes all of the tax filer's income and tax information required to be verified for tax year 2014.

[2] An institution may accept a copy of a 2014 income tax return for tax filers who are unable to use the IRS Data Retrieval Tool or obtain an IRS Tax Return Transcript consistent with guidance that the Secretary may provide (e.g., victims of identity theft, individuals who filed an amended tax return, individuals who filed an income tax return other than an IRS form, or individuals with authentication issues with the IRS). The copy must include the signature of the tax filer or of one of the filers of a joint income tax return or the signed, stamped, typed, or printed name and address of the preparer of the income tax return and the preparer's Social Security Number, Employer Identification Number, or Preparer Tax Identification Number.

[3] If a tax filer did not retain a copy of his or her 2014 tax account information and that information cannot be located by the IRS or a government of a U.S. territory or commonwealth or a foreign central government, the institution must accept—

(a) A copy of IRS Form W–2 (see footnote 4) for each source of employment income received for tax year 2014 and, if self-employed, a signed statement certifying the amount of AGI and taxes paid for that self-employment for tax year 2014; or

(b) A copy of a wage and tax statement or a signed statement by an individual who has filed an income tax return with a government of a U.S. territory or commonwealth or a foreign central government certifying the amount of AGI and taxes paid for tax year 2014.

[4] An individual who is required to submit an IRS Form W–2 but did not maintain his or her copy should request a duplicate copy from the employer who issued the original W–2. If the individual is unable to obtain one in a timely manner, the institution may permit that individual to provide a signed statement, in accordance with 34 CFR 668.57(a)(6), that includes—

(a) The amount of income earned from work;
(b) The source of that income; and
(c) The reason why the IRS Form W–2 is not available in a timely manner.

Other Sources for Detailed Information

We provide a more detailed discussion on the verification process in the following resources:

- *2015–2016 Application and Verification Guide.*
- *2015–2016 ISIR Guide.*
- *2015–2016 SAR Comment Codes and Text.*
- *2015–2016 COD Technical Reference.*
- Program Integrity Information—Questions and Answers on Verification at *http://www2.ed.gov/policy/highered/reg/hearulemaking/2009/verification.html.*

These publications are on the Information for Financial Aid Professionals Web site at *www.ifap.ed.gov.*

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department

published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1070a, 1070a–1, 1070b–1070b–4, 1070c–1070c–4, 1070g, 1071–1087–2, 1087a–1087j, and 1087aa–1087ii; 42 U.S.C. 2751–2756b.

Dated: June 20, 2014.

Lynn B. Mahaffie,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2014–14895 Filed 6–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–402]

Application to Export Electric Energy; Energia Sierra Juarez U.S., LLC

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of Application.

SUMMARY: Energia Sierra Juarez U.S., LLC (Applicant) has applied for authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before July 25, 2014.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On June 13, 2014, DOE received an application from the Applicant for authority to transmit electric energy from the United States to Mexico. The Applicant's request is limited to the transmission of de minimis station power from the California ISO Balancing Authority Area (CAISO BAA) to the ESJ Facility, a 156 MW wind generation facility under development in northern Mexico from which Applicant plans to market energy, capacity and/or ancillary services to the United States. The requested export authority—estimated to not exceed an instantaneous rate of 6 MW—is limited to transmission over a 230 kV radial generator-tie line known as the ESJ Gen-Tie, which is currently under construction by the Applicant's subsidiary in accordance with Presidential Permit PP–334.

In its application, the Applicant states that it does not have a franchised service area. The electric energy that the Applicant proposes to export to Mexico would be surplus energy purchased within the United States and transmitted from the CASIO BAA via the ECO Substation.

The Applicant requests export authority for a period not to extend beyond the date of termination of the associated Presidential Permit PP–334.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments on the Applicant's application to export electric energy to Mexico should be clearly marked with OE Docket No. EA–402. An additional copy is to be provided directly to Daniel A. King, Sempra U.S. Gas & Power, LLC, 101 Ash Street HQ15C, San Diego, CA 92101 and to Thomas E. Jennings, Sempra International, 101 Ash Street, HQ02–SI, San Diego, CA 92101. A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available by request to the addresses provided above or by accessing the program Web site at *http://energy.gov/node/11845.*

Issued in Washington, DC, on June 17, 2014.

Brian Mills,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–14818 Filed 6–24–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of 229 Boundary Revision for the East Tennessee Technology Park (Formerly the Oak Ridge Gaseous Diffusion Plant, K–25)

AGENCY: Department of Energy (DOE).

ACTION: Notice of 229 Boundary Revisions for the East Tennessee Technology Park (ETTP) (formerly the Oak Ridge Gaseous Diffusion Plant, K–25).

SUMMARY: Notice is hereby given that the U.S. Department of Energy, pursuant to Section 229 of the Atomic Energy Act of 1954, as amended, as implemented by 10 CFR part 860 published in the **Federal Register** (FR) on August 26, 1963 (28 FR 8400), prohibits the unauthorized entry, as provided in 10 CFR 860.3 and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.4, into or upon the following described facilities of the ETTP of the United States Department of Energy. The following amendments are made:

The U.S. Department of Energy installation known as the ETTP is located in the Second Civil District of Roane County, Tennessee, within the corporate limits of the city of Oak Ridge, on the north side of Highway 58 (Oak Ridge Turnpike) approximately one mile east of Gallaher Bridge which spans the Clinch River. The previous ETTP 229 Security Boundary contained 3 areas which totaled 422 acres. This revised ETTP 229 Security Boundary for ETTP is divided into 4 areas totaling 168.7 acres. *Area 1* is 135.8 acres and is known as the K–25/K–27 Project Site. *Area 2* is 6.5 acres and is known as the K–1070–B. *Area 3* is 24.8 acres known as K–1070–C & –D. *Area 4* is 1.6 acres known as the K–1650 (Y–12 facility). The 229 Security Boundary for these areas is indicated by chain link fencing and/or cable and post configuration which surrounds each of the four areas.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Finn, Real Estate Contracting Officer DOE Oak Ridge Office, Post Office Box 2001, Oak Ridge, Tennessee 37831, Telephone: (865) 576–4431, Facsimile: (865) 241–9494.

SUPPLEMENTARY INFORMATION: This security boundary is designated pursuant to Section 229 of the Atomic Energy Act of 1954. This revised boundary supersedes and/or re-describes the entries previously contained in the FR notice published October 19, 1965 at 30 FR 13285; amended on March 30, 1967 at 32 FR 5384; and April 21, 1983 at 48 FR 17134; and January 23, 2008, at 73 FR 3950 for the ETTP of the United States Department of Energy.

Issued in Oak Ridge, Tennessee, on June 12, 2014.

Cindy B. Finn,

Real Estate Contracting Officer.

[FR Doc. 2014–14819 Filed 6–24–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, July 16, 2014 5:00 p.m.

ADDRESSES: National Atomic Testing Museum, 755 East Flamingo Road, Las Vegas, Nevada 89119.

FOR FURTHER INFORMATION CONTACT: Barbara Ulmer, Board Administrator, 232 Energy Way, M/S 505, North Las Vegas, Nevada 89030. Phone: (702) 630–0522; Fax (702) 295–5300 or Email: *NSSAB@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1. Recommendation Development for Radioactive Waste Acceptance Program Facility Evaluation Improvement Opportunities—Work Plan Item #7
2. Recommendation Development for Ways to Increase/Enhance Communication Regarding Waste Transportation and Disposal—Work Plan Item #9

Public Participation: The EM SSAB, Nevada, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Barbara Ulmer at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Barbara Ulmer at the telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments can do so during the 15 minutes allotted for public comments.

Minutes: Minutes will be available by writing to Barbara Ulmer at the address listed above or at the following Web site: *http://nv.energy.gov/nssab/MeetingMinutes.aspx*

Issued at Washington, DC, on June 20, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–14821 Filed 6–24–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, July 30, 2014, 1:00 p.m.–5:15 p.m.

ADDRESSES: La Fonda on the Plaza, 100 East San Francisco, Sante Fe, New Mexico 87501.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board (NNMCAB), 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *Menice.Santistevan@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1:00 p.m. Call to Order by Deputy Designated Federal Officer (DDFO), Lee Bishop Establishment of a Quorum: Roll Call and Excused Absences, William Alexander Welcome and Introductions, Carlos Valdez, Chair Approval of Agenda and May 21, 2014 Meeting Minutes

1:10 p.m. Old Business
- Written Reports
- Logistics for Rocky Flats Tour (August 19–21)
- Other Items

1:30 p.m. Update from DDFO, Lee Bishop

2:00 p.m. New Business
- Report from Nominating Committee, Stephen Schmelling and Angel Quintana
- Election of Chair and Vice Chair for Fiscal Year 2015
- Other items

2:30 p.m. Pueblo de San Ildefonso Environmental Issues, Governor Terry Aguilar

3:00 p.m. Break

3:15 p.m. Update on Technical Area 21, David Rhodes, Los Alamos Field Office

4:00 p.m. Update from Liaisons
- Update from New Mexico Environment Department, Deputy Secretary Butch Tongate
- Update from Los Alamos National Laboratory, Jeff Mousseau
- Update from DOE, Pete Maggiore

4:45 p.m. Public Comment Period

5:00 p.m. Wrap-Up and Comments from NNMCAB Members

5:15 p.m. Adjourn, Lee Bishop

Public Participation: The EM SSAB, Northern New Mexico, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the

meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/.*

Issued at Washington, DC, on June 20, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–14820 Filed 6–24–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, July 17, 2014 6:00 p.m.

ADDRESSES: Barkley Centre, 111 Memorial Drive, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: Rachel Blumenfeld, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6806.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

- Call to Order, Introductions, Review of Agenda
- Administrative Issues
- Public Comments (15 minutes)
- Adjourn

Breaks Taken as Appropriate

Public Participation: The EM SSAB, Paducah, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Rachel Blumenfeld as soon as possible in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Rachel Blumenfeld at the telephone number listed above. Requests must be received as soon as possible prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. The EM SSAB, Paducah, will hear public comments pertaining to its scope (clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long-term stewardship; risk assessment and management; and clean-up science and technology activities). Comments outside of the scope may be submitted via written statement as directed above.

Minutes: Minutes will be available by writing or calling Rachel Blumenfeld at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.pgdpcab.energy.gov/2014Meetings.html.*

Issued at Washington, DC, on June 20, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–14822 Filed 6–24–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Saturday, August 16, 2014, 8:00 a.m.–12:00 p.m.

ADDRESSES: Department of Energy Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37830.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 576–0956 or email: *noemp@emor.doe.gov* or check the Web site at *http://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- 8:00–8:05 a.m. Welcome—David Hemelright, Chair
- 8:05–8:15 a.m. Objectives, Logistics, Keys to Success—Jenny Freeman, Facilitator
- 8:15–8:45 a.m. Deputy Designated Federal Officer (DDFO) Comments—Susan Cange
- 8:45–9:05 a.m. Board Mission and Accomplishments—David Hemelright
- 9:05–9:50 a.m. Board Operations—Jenny Freeman
- 9:50–10:05 a.m. Break
- 10:05–11:35 a.m. Work Plan Topics Presentation and Discussion—Dave Adler, Alternate DDFO; Panel
  1. Agency suggestions
  2. Suggestions from members
  3. Prioritization of topics and assignment to committees
  4. Committee membership sign-up
- 11:35–11:45 a.m. Wrap-up—Jenny Freeman
- 11:45–11:50 a.m. Presentation of the Slate of Candidates for Fiscal Year 2015 Officers—Nominating Committee Chair
- 11:50–11:55 a.m. Public Comment Period
- 11:55–12:00 p.m. Closing Remarks—Melyssa Noe, Federal Coordinator; David Hemelright

Public Participation: The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following Web site: *http://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

Issued at Washington, DC, on June 20, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–14824 Filed 6–24–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2684–009]

Flambeau Hydro, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 2684–009.

c. *Date Filed:* April 22, 2014.

d. *Submitted By:* Flambeau Hydro, LLC.

e. *Name of Project:* Arpin Hydroelectric Project.

f. *Location:* On the Chippewa River near the Village of Radisson, in Sawyer County, Wisconsin. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Jason P. Kreuscher, Vice President, Operations, Renewable World Energies, LLC, 100 S. State Street, P.O. Box 264, Neshkoro, WI 54960; phone: (855) 462–0220.

i. *FERC Contact:* Isis Johnson at (202) 502–6346; or email at *isis.johnson@ferc.gov.*

j. Flambeau Hydro filed its request to use the Traditional Licensing Process on April 22, 2014. Flambeau Hydro provided public notice of its request on April 23, 2014. In a letter dated June 19, 2014, the Director of the Division of Hydropower Licensing approved Flambeau Hydro's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920; and (c) the Wisconsin State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Flambeau Hydro as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, section 305 of the Magnuson-Stevens Fishery Conservation and Management Act, and section 106 of the National Historic Preservation Act.

m. Flambeau Hydro filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2684. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 2017.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: June 19, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14844 Filed 6–24–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–127–003.
Applicants: Idaho Power Company.
Description: Resubmitted OATT Order No. 1000 Third Regional Compliance Filing to be effective 6/13/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5002.
Comments Due: 5 p.m. ET 7/7/14.

Docket Numbers: ER14–1882–001.
Applicants: Monongahela Power Company.
Description: Compliance Filing per 6/9/14 Order in ER14–1882 to be effective 6/1/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5072.
Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: ER14–1883–001.
Applicants: Allegheny Energy Supply Company, LLC.
Description: Compliance Filing per 6/9/14 Order in ER14–1883 to be effective 6/1/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5073.
Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: ER14–2200–000.
Applicants: ESI Vansycle Partners, L.P.
Description: ESI Vansycle Partners, L.P. Order No. 784 Compliance Filing to be effective 6/18/2014.
Filed Date: 6/17/14.
Accession Number: 20140617–5144.
Comments Due: 5 p.m. ET 7/8/14.

Docket Numbers: ER14–2201–000.
Applicants: FPL Energy Stateline II, Inc.
Description: FPL Energy Stateline II, Inc. Order No. 784 Compliance Filing to be effective 6/18/2014.
Filed Date: 6/17/14.
Accession Number: 20140617–5145.
Comments Due: 5 p.m. ET 7/8/14.

Docket Numbers: ER14–2202–000.
Applicants: FPL Energy Vansycle L.L.C.
Description: FPL Energy Vansycle, L.L.C. Order No. 784 Compliance Filing to be effective 6/18/2014.
Filed Date: 6/17/14.
Accession Number: 20140617–5150.
Comments Due: 5 p.m. ET 7/8/14.

Docket Numbers: ER14–2203–000.
Applicants: Limon Wind, LLC.
Description: Limon Wind, LLC Order No. 784 Compliance Filing to be effective 6/18/2014.
Filed Date: 6/17/14.
Accession Number: 20140617–5151.
Comments Due: 5 p.m. ET 7/8/14.

Docket Numbers: ER14–2204–000.
Applicants: Limon Wind II, LLC.
Description: Limon Wind II, LLC Order No. 784 Compliance Filing to be effective 6/18/2014.
Filed Date: 6/17/14.
Accession Number: 20140617–5153.
Comments Due: 5 p.m. ET 7/8/14.

Docket Numbers: ER14–2205–000.
Applicants: Logan Wind Energy LLC.
Description: Logan Wind Energy LLC Order No. 784 Compliance Filing to be effective 6/18/2014.
Filed Date: 6/17/14.
Accession Number: 20140617–5154.
Comments Due: 5 p.m. ET 7/8/14.

Docket Numbers: ER14–2206–000.
Applicants: Northern Colorado Wind Energy, LLC.
Description: Northern Colorado Wind Energy, LLC Order No. 784 Compliance Filing to be effective 6/18/2014.
Filed Date: 6/17/14.
Accession Number: 20140617–5158.
Comments Due: 5 p.m. ET 7/8/14.

Docket Numbers: ER14–2207–000.
Applicants: Peetz Table Wind Energy, LLC.
Description: Peetz Table Wind Energy, LLC Order No. 784 Compliance Filing to be effective 6/18/2014.
Filed Date: 6/17/14.
Accession Number: 20140617–5159.
Comments Due: 5 p.m. ET 7/8/14.

Docket Numbers: ER14–2208–000.
Applicants: Southern California Edison Company.
Description: GIA & Distrib Service Agmt SunEdison Utility Solutions, LLC—Mira Loma Project to be effective 6/19/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5003.
Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: ER14–2209–000.
Applicants: Duke Energy Progress, Inc.
Description: Amendment to RS 193 Cargill-DEP to be effective 6/14/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5023.
Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: ER14–2210–000.
Applicants: Duke Energy Conesville, LLC.
Description: 2nd Correction to MBR Tariff to be effective 5/1/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5057.
Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: ER14–2211–000.
Applicants: Duke Energy Dicks Creek, LLC.
Description: 2nd Correction to MBR Tariff to be effective 5/1/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5060.
Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: ER14–2212–000.
Applicants: Duke Energy Killen, LLC.
Description: 2nd Correction to MBR Tariff to be effective 5/1/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5063.
Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: ER14–2213–000.
Applicants: Duke Energy Miami Fort, LLC.
Description: 2nd Correction to MBR Tariff to be effective 5/1/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5065.
Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: ER14–2214–000.
Applicants: Duke Energy Stuart, LLC.
Description: 2nd Correction to MBR to be effective 5/1/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5067.
Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: ER14–2215–000.
Applicants: Duke Energy Zimmer, LLC.
Description: 2nd Correction to MBR Tariff to be effective 5/1/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5068.
Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: ER14–2216–000.
Applicants: Niagara Mohawk Power Corporation.
Description: Notice of Cancellation of Amended and Restated Transportation Services Agreement Rate Schedule No. 178 of Niagara Mohawk Power Corporation.
Filed Date: 6/18/14.
Accession Number: 20140618–5069.
Comments Due: 5 p.m. ET 7/9/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 18, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–14848 Filed 6–24–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–67–000]

Alliance for Retail Energy Markets; Shell Energy North America (US), L.P.; (Complainants) v. California Independent System Operator Corporation (Respondent); Notice of Complaint

Take notice that on June 16, 2014, pursuant to section 306 of Federal Power Act, 16 U.S.C. 825(e) (2012), and Rule 206 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 CFR 385.206 (2013), the Alliance for Retail Energy Markets (AReM) and Shell Energy North America (US), L.P. (SENA) (collectively, the Coalition) filed a formal complaint against California Independent System Operator Corporation (CAISO) requesting that the Commission find that certain charges that are characterized as ''refunds'', which CAISO intends to charge the Coalition and similarly situated entities, are illegal retroactive rate increases/surcharges and require CAISO to cease and desist from attempting to charge them. The Coalition requests that the Commission investigate the process by which the refunds have been calculated and require CAISO to respond to disputes that have been properly raised.

The Complainants state that copies of the complaint were served on the representatives of the Respondent.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 7, 2014.

Dated: June 17, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14843 Filed 6–24–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–97–000]

Carolina Gas Transmission Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed Edgemoor Compressor Station Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Edgemoor Compressor Station Project involving construction and operation of facilities by Carolina Gas Transmission Corporation (Carolina Gas) in Chester County, South Carolina. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on July 17, 2014.

You may submit comments in written form. Further details on how to submit written comments are in the Public Participation section of this notice.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Carolina Gas provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

Carolina Gas proposes to construct and operate a new compressor station in Chester County, South Carolina. The Edgemoor Compressor Station Project would provide an additional 45,000 dekatherms per day of firm transportation and increase the maximum allowable operating pressure of Carolina Gas' existing Line 2 from 857 pounds per square inch (psig) to 975 psig. According to Carolina Gas, the project would improve the efficiency, flexibility, and reliability of Carolina Gas' current system as well as provide additional natural gas supplies to meet increased capacity demands.

Specifically, the Edgemoor Compressor Station Project consists of the following facilities:

- Construction of one new compressor station consisting of four natural gas fired compressor units totaling 9,500 horsepower;
- construction of the Cone Mills Lateral Extension which consists of approximately 1,300 feet of 8-inch-diameter pipeline; and
- construction and modifications of various ancillary facilities.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 15.7 acres of land for the aboveground facilities and the pipeline. Following construction, Carolina Gas would maintain about 5.6 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

Necessity. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Land use;
- geology and soils;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species; and
- public safety.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 4.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for Section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under Section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Carolina Gas; specifically, air quality and noise, vegetation and wildlife, alternatives, and public safety. This preliminary list of issues may be changed based on your comments and our analysis.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before July 17, 2014.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP14–97–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., CP14–97). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: June 17, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14846 Filed 6–24–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD14–14–000]

Price Formation in Energy and Ancillary Services Markets Operated by Regional Transmission Organizations and Independent System Operators

Take notice that the Federal Energy Regulatory Commission (Commission) is initiating a proceeding in the above-captioned docket to evaluate issues regarding price formation in the energy and ancillary services markets operated by Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs).

On September 25, 2013, the Commission held a technical conference to consider how current centralized capacity market rules and structures in the eastern RTO/ISO regions are supporting the procurement and retention of resources necessary to meet future reliability and operational needs.[1] At that conference and in subsequent comments, a number of parties suggested that the Commission should not assess capacity markets in isolation, noting that the energy and ancillary services markets constitute significant revenue streams for supply resources participating in the organized capacity markets. These commenters requested that the Commission also evaluate whether the energy and ancillary services markets are being operated in a way that produces accurate price signals. Similar concerns were raised at a technical conference held on April 1, 2014, regarding market performance during the 2013–2014 winter.[2] At that conference and in subsequent comments, market participants again expressed concerns regarding price formation across the energy and ancillary services markets of various RTOs/ISOs, with some offering specific examples of price formation issues they experienced during extreme weather events this past winter.[3]

Ideally, the locational energy market prices in the energy and ancillary services markets would reflect the true marginal cost of production, taking into account all physical system constraints, and these prices would fully compensate all resources for the variable cost of providing service. The RTO/ISO would not need to commit any additional resources beyond those resources scheduled economically. Further, load would reduce consumption in response to price signals such that market prices would reflect the value of electricity consumption without the need to administratively curtail load.

In reality, RTO/ISO energy and ancillary services market outcomes are impacted by a number of technical and operational considerations.[4] For example, technical limitations in the market software prevent RTOs/ISOs from fully modeling all of the system's physical constraints, such as a voltage constraint. If physical constraints are not accurately reflected in the system model used to clear the market, the market software outcome may not clear the resources needed to resolve all such constraints. In such a case, system operators may have to manually dispatch a resource that is needed to resolve a constraint (and manually re-dispatch or de-commit other resources), with resulting energy and ancillary service prices not reflecting the marginal cost of production. In addition, market clearing prices do not typically reflect certain components of a resource's actual operating costs (e.g., startup costs) or operating limits (e.g. minimum run times). As a result, RTOs/ISOs provide make-whole payments, or uplift payments, to resources whose commitment and dispatch by an RTO/ISO resulted in a shortfall between the resource's offer and the revenue earned through market clearing prices. Further, demand is largely price insensitive, requiring RTOs/ISOs to set market price based on administrative rules during periods of scarcity. These limitations are to some extent inherent in the complexity of the electric system and the tools available today to maintain

[1] Technical Conference on Centralized Capacity Markets in Regional Transmission Organizations and Independent System Operators, September 25, 2013, Docket No. AD13–7–000. The Commission received over 1,000 pages of post-technical conference comments and continues to evaluate what steps may be appropriate to take with respect to capacity markets in light of those comments.

[2] Technical Conference on Winter 2013–2014 Operations and Market Performance in Regional Transmission Organizations and Independent System Operators, April 1, 2014, Docket No. AD14–8–000. *See* Technical Conference on Winter 2013–2014 Operations and Market Performance in Regional Transmission Organizations and Independent System Operators, Transcript (April 1, 2014), Statements of Michael Kormos as113–115, Peter Brandien at 116–119, Wes Yeomans at 121–122, Bruce Rew at 125, and Brad Bouillon at 125–126.

[3] *See* Comments of the Electric Power Supply Association, Winter 2013–2014 Operations and Market Performance in Regional Transmission Organizations and Independent System Operators, Docket No. AD14–8–000 (filed May 14, 2014).

[4] Although the discussion herein focuses on RTO/ISO markets, similar technical and operational limitations impact the efficient commitment of resources by electric utilities operating in other market structures, such as vertically integrated utilities.

reliable operations, and we are unlikely to be able to fully address these issues for the foreseeable future.[5]

Notwithstanding the foregoing technical limitations and operational realities, the Commission believes there may be opportunities for RTOs/ISOs to improve the energy and ancillary service price formation process. To that end, the Commission directs staff to convene workshops as necessary to commence a discussion with industry on the existing market rules and operational practices related to the following topics:

• Use of uplift payments: Use of uplift payments can undermine the market's ability to send actionable price signals. Sustained patterns of specific resources receiving a large proportion of uplift payments over long periods of time raise additional concerns that those resources are providing a service that should be priced in the market or opened to competition.

• Offer price mitigation and offer price caps: All RTOs/ISOs have protocols that endeavor to identify resources with market power and ensure that such resources bid in a manner consistent with their marginal cost. As a backstop to offer price mitigation, RTOs/ISOs also employ offer price caps that are designed to be consistent with scarcity and shortage pricing rules. These protocols require that the RTO/ISO's measure of marginal cost be accurate and allow a resource to fully reflect its marginal cost in its bid. To the extent existing rules on marginal cost bidding do not provide for this, bids and resulting energy and ancillary service prices may be artificially low.

• Scarcity and shortage pricing: All RTOs/ISOs have tariff provisions governing operational actions (e.g., dispatching emergency demand response, voltage reductions, etc.) to manage operating reserves as they approach a reserve deficiency. These actions often are tied to administrative pricing rules designed to reflect degrees of scarcity in the energy and ancillary services markets. In addition, in the event of an operating reserve shortage, all RTOs/ISOs have adopted separate administrative pricing mechanisms designed to set prices that reflect the economic value of scarcity. To the extent that actions taken to avoid reserve deficiencies are not priced appropriately or not priced in a manner consistent with the prices set during a reserve deficiency, the price signals sent when the system is tight will not incent appropriate short- and long-term actions by resources and loads.

• Operator actions that affect prices: RTO/ISO operators regularly commit resources that are not economic to address reliability issues or un-modeled system constraints. Some activity may be necessary to maintain system reliability and security. However, to the extent RTOs/ISOs regularly commit excess resources, such actions may artificially suppress energy and ancillary service prices or otherwise interfere with price formation.

The Commission directs its staff to engage in outreach and, as appropriate, convene workshops and technical conferences to explore improvements to market designs and operational practices in the areas identified above, as well as other topics raised in discussions with RTOs/ISOs and market participants. The Commission anticipates that the first workshop will explore the topic of uplift in detail, while also providing an opportunity to begin a discussion on the remaining topics identified above. Additional workshops will be announced in the coming months on other price formation topics. To the extent practicable, the Commission may release staff analysis of various topics to help guide the workshop discussions. Based on information gathered by staff, the Commission may take action regarding the foregoing or other issues in future orders.

For Further Information Please Contact Individuals Identified For Each Topic:

Use of Uplift

William Sauer, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6639, *william.sauer@ferc.gov.*

Offer Price Mitigation, Offer Price Caps and Operator Actions

Emma Nicholson, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8846, *emma.nicholson@ferc.gov.*

Scarcity/Shortage Pricing

Robert Hellrich-Dawson, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6360, *bob.hellrich-dawson@ferc.gov.*

Dated: June 19, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14845 Filed 6–24–14; 8:45 am]

BILLING CODE 6717–01–P

[5] Other efforts, like staff's annual meeting with RTO/ISO operations staff and the annual market software conference, are intended to make progress on these longer term issues. *See http://www.ferc.gov/industries/electric/indus-act/market-planning.asp.*

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–500–000]

Arlington Storage Company, LLC; Notice of Request Under Blanket Authorization

Take notice that on June 13, 2014, Arlington Storage Company, LLC (Arlington), 700 Louisiana Street, Suite 2060, Houston, Texas 77002, filed in the above Docket, a prior notice request pursuant to sections 157.205, and 157.211 of the Commission's regulations under the Natural Gas Act (NGA) for authorization to construct a new delivery point on a pipeline that is part of its Seneca Lake Storage Project in Schuyler County, New York, all as more fully set forth in the application. The application is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to James F. Bowe, Jr., King & Spalding LLP, 1700 Pennsylvania Avenue NW., Suite 200, Washington, DC 20006, by telephone at (202) 626–9601, by facsimile at (202) 626–3737, or by email at *jbowe@kslaw.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and

state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Dated: June 19, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14847 Filed 6–24–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9912–75–OEI]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget (OMB) responses to Agency Clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

FOR FURTHER INFORMATION CONTACT: Courtney Kerwin (202) 566–1669, or email at *kerwin.courtney@epa.gov* and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR Number 1249.10; Requirements for Certified Applicators Using 1080 Collars for Livestock Protection; was approved on 05/01/2014; OMB Number 2070–0074; expires on 05/31/2017; Approved without change.

EPA ICR Number 2274.04; NESHAP for Clay Ceramics Manufacturing, Glass Manufacturing and Secondary Nonferrous Metals Processing Area Sources; 40 CFR part 63, subparts RRRRRR, SSSSSS, and TTTTTT; was approved on 05/13/2014; OMB Number 2060–0606; expires on 05/31/2016; Approved without change.

EPA ICR Number 1811.09; NESHAP for Polyether Polyols Production; 40 CFR part 63 subpart PPP; was approved on 05/13/2014; OMB Number 2060–0415; expires on 05/31/2017; Approved without change.

EPA ICR Number 2364.04; Alternative Affirmative Defense Requirements for Ultra-low Sulfur Diesel (Renewal); 40 CFR part 80.613; was approved on 05/21/2014; OMB Number 2060–0639; expires on 05/31/2017; Approved without change.

EPA ICR Number 1907.06; Recordkeeping and Reporting Requirements Regarding the Sulfur Content of Motor Vehicle Gasoline under the Tier 2 Rule; 40 CFR parts 80, subpart H, 80.210, 80.270, 80.330, 80.370, 80.340, 80.415, 80.400; and 80.380; was approved on 05/27/2014; OMB Number 2060–0437; expires on 05/31/2017; Approved without change.

EPA ICR Number 2398.03; Regulation of Fuels and Fuel Additives: 2011 Renewable Fuel Standards—Petition for International Aggregate Compliance Approach; 40 CFR part 80; was approved on 05/28/2014; OMB Number 2060–0655; expires on 05/31/2017; Approved without change.

Comment Filed

EPA ICR Number 2491.01; Agricultural Worker Protection Standard Training and Notification (Proposed Rule Replacement ICR); 40 CFR parts 170, 170.103, 170.109, 170.11(a), 170.11(b), 170.13(f), 170.13(h), 170.13(i), 170.13(l), 170.203(b), 170.207(d)(8), 170.305(a), 170.305(b), 170.305(c), 170.307(d)(3), 170.309(c), 170.9(g), 170.9(i), and 170.9(k); OMB filed comment on 05/01/2014.

Spencer W. Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–14830 Filed 6–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0617; FRL 9912–33–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Experimental Use Permits for Pesticides (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.): Experimental Use Permits (EUPs) for Pesticides (EPA ICR No. 0276.15, OMB Control No. 2070–0040). EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** on September 25, 2013 (78 FR 59014). With this submission, EPA is providing an additional 30 days for public comments. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before July 25, 2014.

ADDRESSES: Submit your comments to (1) EPA, referencing Docket ID Number EPA–HQ–OPP–2013–0617, online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB, addressed to ''OMB Desk Officer for EPA'' and referencing OMB Control No. 2070–0040, via email to *oira_submission@omb.eop.gov.*

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Ryne Yarger, Field and External Affairs Division, Office of Pesticide Programs, 7506P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 703–605–1193; fax number: 703–305–5884; email address: *yarger.ryne@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: The ICR, which explains in detail the information collection activities and the related burden and cost estimates, is summarized in this document and is available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, William Jefferson Clinton (WJC) Building, West Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's docket, visit *http://www.epa.gov/dockets.*

ICR Title: Experimental Use Permits (EUPs) for Pesticides.

ICR numbers: EPA ICR No. 0276.15, OMB Control No. 2070–0040.

ICR status: The current OMB approval for this ICR is scheduled to expire on June 30, 2014. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requires that before a pesticide product may be distributed or sold in the United States, it must be registered by EPA. Section 5 of FIFRA authorizes EPA to issue experimental use permits (EUPs) which allow companies to temporarily ship pesticide products for experimental use for the purpose of gathering data necessary to support the application for registration of a pesticide product. In general, EUPs are issued either for a pesticide not registered with the Agency or for a new use of a registered pesticide. The EUP application must be submitted in order to obtain a permit. This information collection provides EPA with the data necessary to determine whether to issue a EUP under section 5 of FIFRA.

Form Numbers: EPA Form 8570–17—Application for an Experimental Use Permit to Ship and Use a Pesticide for Experimental Purposes Only.

Respondents/affected entities: Entities potentially affected by this ICR include individuals or entities engaged in pesticide, fertilizer, and other agricultural chemical manufacturing. The NAICS codes for respondents under this ICR include: 325320 (Pesticide and other Agricultural Chemical Manufacturing).

Respondent's obligation to respond: Mandatory (40 CFR 172).

Estimated number of respondents: 30 (total).

Estimated number of responses per respondent: 1.

Frequency of response: On occasion.

Total estimated annual burden: 556 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated annual cost: $33,872 (per year). There are no capital or operation & maintenance costs associated with this information collection.

Changes in the Estimates: There is a decrease of 1,351 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease reflects EPA's updating of burden estimates for this collection based upon historical information indicating a reduced number of EUP submissions for chemical pesticides, as well as a decrease in the number of EUP applications that are plant-incorporated protectants. This change is an adjustment.

Spencer W. Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–14877 Filed 6–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0328; FRL–9912–32–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Vinyl Chloride (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), NESHAP for Vinyl Chloride (40 CFR part 61, Subpart F) (Renewal)'' (EPA ICR No. 0186.13, OMB Control No. 2060–0071), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through June 30, 2014. Public comments were previously requested via the **Federal Register** (78 FR 35023) on June 11, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before July 25, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0328, to (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 61, subpart A, and any changes or additions to the Provisions specified at 40 CFR part 61, subpart F. Owners or operators of the affected facilities must submit a one-time-only notification report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are

also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are required quarterly at a minimum.

Form Numbers: None.

Respondents/affected entities: Owners or operators of vinyl chloride production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 61, subpart F).

Estimated number of respondents: 18 (total).

Frequency of response: Initially, quarterly, and occasionally.

Total estimated burden: 7,603 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1,553,615 (per year), includes $810,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 4,223 hours in the total estimated respondent burden compared with the ICR currently approved by OMB as a result of the PVC NESHAP standard at 40 CFR part 63, subpart HHHHHHH. Beginning in April 17, 2015, 12 of the existing vinyl chloride plants will comply with the part 63 rule, and will no longer be subject to the part 61 NESHAP. Therefore, we expect a decrease in the number of respondents beginning in Year 2 of this ICR period. In addition, we have updated the number of existing sources from 28 in the previous ICR to 26 based on latest Agency estimates for this industry.

Spencer Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–14835 Filed 6–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0326; FRL–9912–07–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Asphalt Processing and Roofing Manufacture (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), NSPS for Asphalt Processing and Roofing Manufacture (40 CFR Part 60, Subpart UU) (Renewal) (EPA ICR No. 0661.10, OMB Control No. 2060–0002), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through June 30, 2014. Public comments were previously requested via the **Federal Register** (78 FR 35023) on June 11, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before July 25, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0326, to: (1) EPA online, using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: Owners and operators must notify EPA of construction modification startups, shutdowns, malfunctions, and data and results of performance test. Owners/operators must continually monitor and record temperature in specified pollution control devices. EPA determines parameters to be recorded in other control devices upon description of that device by the source.

Form Numbers: None.

Respondents/affected entities: Asphalt processing and roofing manufacturer facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart UU).

Estimated number of respondents: 144 (total).

Frequency of response: Initially, occasionally and semiannually.

Total estimated burden: 33,912 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $8,557,168 (per year), which includes $5,240,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative, or non-existent. Therefore, the burden hours in the previous ICR reflect the current burden and are reiterated in this ICR. However, there is an adjustment decrease in the respondent cost and an adjustment increase in the Agency cost due to an update in labor rates.

Spencer Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–14886 Filed 6–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0879; FRL–9912–11]

Exposure Modeling Public Meeting; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: An Exposure Modeling Public Meeting will be held on October 28, 2014. This Notice announces the location and time for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on October 28, 2014, from 9:00 a.m. to 5:00

p.m. Requests to participate in the meeting must be received on or before July 7, 2014.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at the Environmental Protection Agency, Office of Pesticide Programs (OPP), One Potomac Yard (South Building), First Floor Conference Center (S–1200), 2777 S. Crystal Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Melanie Biscoe or Christopher Koper, Environmental Fate and Effects Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7106 and (703) 347–8065; fax number: (703) 347–8011; email address: *biscoe.melanie@epa.gov* and *koper.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA), the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Agriculture, Forestry, Fishing and Hunting NAICS code 11
- Utilities NAICS code 22
- Professional, Scientific and Technical NAICS code 54

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2009–0879, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

On a biannual interval, an Exposure Modeling Public Meeting (EMPM) is held for presentation and discussion of current issues related to modeling pesticide fate, transport, and exposure for risk assessment in a regulatory context. Meeting dates and abstract requests are announced through the ''empmlist'' forum on the LYRIS list server at *https://lists.epa.gov/read/all_forums/.*

III. How can I request to participate in this meeting?

You may submit a request to participate in this meeting to the person listed under **FOR FURTHER INFORMATION CONTACT**. Do not submit any information in your request that is considered CBI. Requests to participate in the meeting, identified by docket ID number EPA–HQ–OPP–2009–0879, must be received on or before July 7, 2014.

IV. Tentative Topics for the Meeting

Spatial Aquatic Modeling (SAM)

Terrestrial Plant Exposure Modeling (Audrey III Model)

Surface Water Concentration Calculator (SWCC) Evaluation

Pesticide Root Zone Model—Ground Water (PRZM–GW) Updates

Unextracted Residues Guidance

EPA Suggestions for Ecotox Presentations

Endangered Species Exposure Modeling

Population Modeling

Pesticide Flooded Application Model (PFAM)

Bias Factors for Water Monitoring Data

Formation/Decline Kinetics for Degradates Formed in Parallel or in Sequence

Future Structure of the EMPM Meeting—The EMPM has focused predominantly on water models. Is there interest in discussing other models?

List of Subjects

Environmental protection, Exposure modeling, Public meeting.

Dated: June 11, 2014.

Donald J. Brady,

Director, Environmental Fate and Effects Division, Office of Pesticide Programs.

[FR Doc. 2014–14833 Filed 6–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0396; FRL–9911–53]

Registration Review; Pesticide Dockets Opened for Review and Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: With this document, EPA is opening the public comment period for several registration reviews. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Registration review dockets contain information that will assist the public in understanding the types of information and issues that the Agency may consider during the course of registration reviews. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment. This document also announces the Agency's intent not to open a registration review docket for inorganic thiosulfate. This pesticide does not currently have any actively registered pesticide products and is not, therefore, scheduled for review under the registration review program. EPA is also announcing the availability of amended final work plan (FWP) for Meta-Cresol (Cresol) and Xylenol. Furthermore, this document also announces the registration review case closure for the pesticide 2-Mercaptobenzothiazole for non-payment of maintenance fees for the last remaining registration.

DATES: Comments must be received on or before August 25, 2014.

ADDRESSES: Submit your comments identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit III.A., by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any

information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information contact:* The Chemical Review Manager for the pesticide of interest identified in the table in Unit III.A.

For general information contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; fax number: (703) 308–8005; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farmworker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Authority

EPA is initiating its reviews of the pesticides identified in this document pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. Registration Reviews

A. What action is the Agency taking?

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registrations identified in the table in this unit to assure that they continue to satisfy the FIFRA standard for registration—that is, they can still be used without unreasonable adverse effects on human health or the environment. A pesticide's registration review begins when the Agency establishes a docket for the pesticide's registration review case and opens the docket for public review and comment. At present, EPA is opening registration review dockets for the cases identified in the following table.

TABLE 1—REGISTRATION REVIEW DOCKETS OPENING

Registration review case name and No.	Docket ID No.	Chemical review manager or regulatory action leader, telephone no., email address
Benzisothiazolin-3-one (BIT) (Case 3026)	EPA–HQ–OPP–2014–0159	Donna Kamarei (703) 347–0443, *kamarei.donna@epa.gov.*
Bispyribac-sodium (Case 7258)	EPA–HQ–OPP–2014–0074	Moana Appleyard (703) 308–8175, *appleyard.moana@epa.gov.*
Imazamethabenz (Case 7207)	EPA–HQ–OPP–2014–0395	Cathryn Britton (703) 308–0136, *brittion.cathryn@epa.gov.*
Imazamox (Case 7238)	EPA–HQ–OPP–2014–0395	Kelly Ballard (703) 305–8126, *ballard.kelly@epa.gov.*

TABLE 1—REGISTRATION REVIEW DOCKETS OPENING—Continued

Registration review case name and No.	Docket ID No.	Chemical review manager or regulatory action leader, telephone no., email address
Imazapyr (Case 3078)	EPA–HQ–OPP–2014–0200	Joel Wolf (703) 347–0228, *wolf.joel@epa.gov.*
IR3535 (Case 6046)	EPA–HQ–OPP–2014–0106	Clara Fuentes (703) 308–0171, *fuentes.clara@epa.gov.*
Mecoprop (MCPP) (Case 0377)	EPA–HQ–OPP–2014–0361	Kaitlin Keller (703) 308–8172, *keller.kaitlin@epa.gov.*
Mesotrione (Case 7256)	EPA–HQ–OPP–2013–0779	Jolene Trujillo (703) 347–0103, *trujillo.jolene@epa.gov.*
Methylisothiazolinone (Case 3092)	EPA–HQ–OPP–2013–0605	SanYvette Williams (703) 305–7702, *williams.sanyvette@epa.gov.*
Octhilinone (OIT) (Case 2475)	EPA–HQ–OPP–2014–0160	SanYvette Williams (703) 305–7702, *williams.sanyvette@epa.gov.*
Propargite (Case 243)	EPA–HQ–OPP–2014–0051	Wilhelmena Livingston (703) 308–8025, *livingston.wilhelmena@epa.gov.*
Pyraclostrobin (Case 7034)	EPA–HQ–OPP–2014–0051	Matthew Manupella (703) 347–0411, *manupella.matthew@epa.gov.*
Pyraflufen-ethyl (Case 7259)	EPA–HQ–OPP–2013–0285	Steven Snyderman (703) 347–0249, *snyderman.steven@epa.gov.*
Terrazole (formerly Etridiazole Terrazole) (Case 9).	EPA–HQ–OPP–2014–0414	Margaret Hathaway (703) 305–5076, *hathaway.margaret@epa.gov.*
Zinc pyrithione (formerly omadine salts) (Case 2480).	EPA–HQ–OPP–2014–0158	Sandra O'Neill (703) 347–0141, *oneill.sandra@epa.gov.*
Zoxamide (Case 7032)	EPA–HQ–OPP–2014–0391	Tanja Crk (703) 308–8202, *crk.tanja@epa.gov.*

EPA is also announcing that it will not be opening a docket for inorganic thiosulfate because this pesticide is not included in any products actively registered under FIFRA section 3. The Agency will take separate actions to cancel any remaining FIFRA section 24(c) Special Local Needs registrations with this active ingredient and to propose revocation of any affected tolerances that are not supported for import purposes only. EPA is announcing the availability of two amended FWPs for the registration review of the pesticide Cresol, docket ID number EPA–HQ–OPP–2010–0211 and Xylenol, docket ID number EPA–HQ–OPP–2010–0240. These FWPs have been amended to incorporate revisions to the data requirements for registration review. Finally, EPA is announcing the registration review case closure for the pesticide 2-Mercaptobenzothiazole for non-payment of maintenance fees for last remaining registration.

B. Docket Content

1. *Review dockets.* The registration review dockets contain information that the Agency may consider in the course of the registration review. The Agency may include information from its files including, but not limited to, the following information:

- An overview of the registration review case status.
- A list of current product registrations and registrants.
- **Federal Register** notices regarding any pending registration actions.
- **Federal Register** notices regarding current or pending tolerances.
- Risk assessments.
- Bibliographies concerning current registrations.
- Summaries of incident data.
- Any other pertinent data or information.

Each docket contains a document summarizing what the Agency currently knows about the pesticide case and a preliminary work plan for anticipated data and assessment needs. Additional documents provide more detailed information. During this public comment period, the Agency is asking that interested persons identify any additional information they believe the Agency should consider during the registration reviews of these pesticides. The Agency identifies in each docket the areas where public comment is specifically requested, though comment in any area is welcome.

2. *Other related information.* More information on these cases, including the active ingredients for each case, may be located in the registration review schedule on the Agency's Web site at *http://www.epa.gov/oppsrrd1/registration_review/schedule.htm.* Information on the Agency's registration review program and its implementing regulation may be seen at *http://www.epa.gov/oppsrrd1/registration_review.*

3. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

List of Subjects

Environmental protection, Pesticides and pests, Benzisothiazolin-3-one, Bispyribac-sodium, Imazamethabenz, Imazamox, Imazapyr, IR3535, Mecoprop, Mesotrione, Methylisothiazolinone, Octhilinone, Propargite, Pyraclostrobin, Pyraflufen-ethyl, Terrazole, Zinc pyrithione (formerly omadine salts), and Zoxamide.

Dated: June 5, 2014.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2014–14685 Filed 6–24–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Meeting Schedule for 2015

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

Board Action: Pursuant to 31 U.S.C. 3511(d), the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and the FASAB Rules of Procedure, as amended in October, 2010, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) will meet on the following dates in room 7C13 of the U.S. Government Accountability Office (GAO) Building (441 G St. NW.) unless otherwise noted:

—Wednesday and Thursday, February 25 and 26, 2015

—Wednesday and Thursday, April 29 and 30, 2015

—Wednesday and Thursday, June 24 and 25, 2015

—Wednesday and Thursday, August 26 and 27, 2015

—Wednesday and Thursday, October 21 and 22, 2015

—Wednesday and Thursday, December 16 and 17, 2015

The purpose of the meetings is to discuss issues related to:

—Leases

—Public-Private Partnerships

—Reporting Entity

—Reporting Model

—Risk Assumed, and

—Any other topics as needed.

Any interested person may attend the meetings as an observer. Board discussion and reviews are open to the public. GAO Building security requires advance notice of your attendance. Please notify FASAB of your planned attendance by calling 202–512–7350 at least one day prior to the respective meeting.

FOR FURTHER INFORMATION CONTACT: Wendy Payne, Executive Director, at (202) 512–7350.

Authority: Federal Advisory Committee Act, Pub. L. 92–463.

Dated: June 20, 2014.

Charles Jackson,

Federal Register Liaison Officer.

[FR Doc. 2014–14884 Filed 6–24–14; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 14–808]

Freeze on the Filing of Applications for Digital Replacement Translator Stations and Displacement Applications

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces a freeze on the filing of displacement applications by Class A television, low power television and TV translator stations and on the filing of applications for digital replacement translators.

DATES: This filing limitation become effective on June 11, 2014.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Video Division, Media Bureau, (202) 418–2324, *Shaun.Maher@fcc.gov*

SUPPLEMENTARY INFORMATION: Effective immediately, the Media Bureau of the Federal Communications Commission announces a freeze on the filing of applications for digital replacement translator (DRT) stations and displacement applications for low power television (LPTV), TV translator, and Class A television stations pursuant to §§ 73.3572(a)(4) and 74.787(a)(4) of the Commission's rules. Because the digital transition was largely completed five years ago, in June 2009, and the Bureau issued a Freeze Public Notice on April 5, 2013, imposing limitations on the filing and processing of certain applications by full power and Class A television stations, there should be little occasion for new DRT and displacement applications to be filed. *See* Media Bureau Announces Limitations on the Filing and Processing of Full Power and Class A Television Station Modification Applications, Effective Immediately, and Reminds Stations of Spectrum Act Preservation Mandate, *Public Notice,* 28 FCC Rcd 4364. In addition, Class A television stations were subject to displacement only as the result of ''engineering solutions'' by full power stations to resolve ''technical problems'' in replicating and maximizing the full power station's DTV service areas during the DTV transition. Consequently, the impact of this freeze on the LPTV, TV translator, and Class A services should be minimal.

The Commission recently adopted rules to implement the broadcast television spectrum incentive auction authorized by the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96 Sections 6402, 6403, 126 Stat. 156 (2012). In conjunction with the incentive auction, the Commission has announced that it will conduct a ''reverse auction'' and reorganization or ''repacking'' of the broadcast television bands in order to free up a portion of the ultra high frequency (UHF) band for new flexible uses. *See* In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, MB Docket No. 12–268, *Report and Order,* FCC 14–50, released June 2, 2014. The facilities of DRT, LPTV, and TV translator stations will not be protected during repacking. Existing DRT, LPTV, and TV translator stations displaced by repacking will be permitted to file displacement applications in a special window to be opened following the completion of the auction.

To facilitate the special displacement window and to protect the opportunity for stations displaced by repacking of the television bands to obtain a new channel from the limited number of channels likely to be available for application after repacking, the Media Bureau deems it appropriate to freeze the acceptance of additional DRT and displacement applications at this time. The Media Bureau will continue to process pending DRT and displacement applications. Following the completion of the incentive auction, the Media Bureau will announce the dates and procedures for the special displacement window.

During the freeze, the Media Bureau will consider waiver requests by LPTV and TV translator stations that wish to submit a displacement application demonstrating that they are causing or receiving ''new actual'' interference to or from a full power television station. By ''new'' interference, we mean interference that is a result of the initiation of new or modified service by a full power station during the freeze. To qualify for the waiver, the displacement applicant must demonstrate either actual interference within the noise limited contour of the full power station or actual interference to the displacement applicant's LPTV or TV translator station, either of which will result in the immediate loss of service to viewers, thus necessitating the grant of its application. Although the Commission is not accepting modification applications for changes to existing television service areas that would increase a full power station's noise-limited contour or a Class A station's protected contour in one or more directions beyond the area resulting from the station's authorized facilities as of the April 5, 2013 freeze,

and the likelihood of ''new'' interference occurring to LPTV and TV translator stations is remote, we believe that it is important to allow the filing of a displacement application in such rare cases. We do not anticipate waiving the freeze to accept applications for new DRT stations. That service was created to enable full power stations to reach existing in-contour analog viewers that would not otherwise receive service from a station on termination of its analog service and completion of its DTV transition, which took place no later than June 12, 2009. Full power stations have had adequate time since then to identify such loss areas and apply for a DRT. We similarly do not anticipate waiving the freeze to accept Class A displacement applications, since those stations were subject to additional interference only from full power stations that encountered ''technical problems'' in replicating or maximizing their digital service areas during the DTV transition.

Minor change applications and applications for digital flash cut and digital companion channels filed by existing LPTV and TV translator stations, and by Class A stations, will continue to be accepted for filing.

The decision to impose this freeze is procedural in nature, and therefore is not subject to the notice and comment and effective date requirements of the Administrative Procedure Act, 5 U.S.C. 553(b)(A), (d). Moreover, we find that there is good cause for not delaying the effect of these procedures until 30 days after date of publication in the **Federal Register**. Such a delay would be impractical, unnecessary, and contrary to the public interest because it would undercut the purposes of the freeze.

This action is taken by the Chief, Media Bureau pursuant to authority delegated by 47 CFR 0.283 of the Commission's rules.

Federal Communications Commission.

Barbara Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 2014–14753 Filed 6–24–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 14–818]

Consumer Advisory Committee Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Commission announces the next meeting date, time, and agenda of its Consumer Advisory Committee (hereinafter the ''Committee''). The purpose of the Committee is to make recommendations to the Commission regarding matters within the jurisdiction of the Commission and to facilitate the participation of all consumers in proceedings before the Commission.

DATES: July 25, 2014, 9 a.m. to 4 p.m.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Commission Meeting Room, TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Marshall, Consumer and Governmental Affairs Bureau, (202) 418–2809 (voice or Relay), or email *Scott.Marshall@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document DA 14–818, released June 19, 2014, announcing the agenda, date, and time of the Committee's next meeting.

Meeting Agenda

At its July 25, 2014 meeting, the Committee is expected to consider a recommendation from its Universal Service Working Group concerning interagency coordination relative to the Lifeline program and broadband adoption. The Committee's Consumer Protection Working Group is also expected to present for consideration a recommendation regarding stolen mobile devices. The Committee may also consider other recommendations from its working groups, and may receive briefings from FCC staff and outside speakers on matters of interest to the Committee. A limited amount of time will be available on the agenda for comments from the public. The public may ask questions of presenters via the email address *livequestions@fcc.gov* or via Twitter using the hashtag #fcclive. In addition, the public may also follow the meeting on Twitter @fcc or via the Commission's Facebook page at *www.facebook.com/fcc.* Alternatively, members of the public may send written comments to: Scott Marshall, Designated Federal Officer of the Committee at the address provided above.

The meeting is open to the public, and the site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, assistive listening devices, and Braille copies of the agenda and handouts will be provided on site. Meetings are also broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live/.*

Other reasonable accommodations for people with disabilities are available upon request. The request should include a detailed description of the accommodation needed and contact information. Please provide as much advance notice as possible; last minute requests will be accepted, but may not be possible to fill. To request an accommodation, send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Federal Communications Commission.

Kris Anne Monteith,

Acting Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. 2014–14862 Filed 6–24–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: *Tuesday, June 24, 2014 at 10:00 a.m.*

PLACE: 999 E Street NW., Washington, DC.

STATUS: This Meeting Will Be Closed to the Public.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 79 FR 35353 (June 20, 2014).

CHANGE IN THE MEETING: This meeting will begin at 11:00 a.m. rather than 10:00 a.m.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2014–15001 Filed 6–23–14; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 011117–054.

Title: United States/Australasia Discussion Agreement.

Parties: ANL Singapore Pte Ltd.; CMA–CGM; Compagnie Maritime Marfret S.A.; Hamburg-Süd; Hapag-Lloyd AG; Mediterranean Shipping Company S.A.; and Pacific International Lines (Pte) Ltd.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006–4007.

Synopsis: The amendment would delete voting requirements from the agreement and change the terms of space charters under the agreement.

Agreement No.: 012032–011.

Title: CMA CGM/MSC/Maersk Line North and Central China-US Pacific Coast Three-Loop Space Charter, Sailing and Cooperative Working Agreement.

Parties: A.P. Moller-Maersk A/S, CMA CGM S.A., and Mediterranean Shipping Company S.A.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The Amendment limits the duration of the existing slot sale, adds a new slot exchange, and adds Vietnam to the geographic scope of the agreement.

Agreement No.: 012285.

Title: Altex/DOCE Space Charter Agreement.

Parties: Altex Chartered, Inc.; and Dole Ocean Cargo Express, Inc.

Filing Party: Wayne Rohde, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The agreement authorizes Altex to charter space to DOCE in the trade from Costa Rica and Colombia to the U.S. East Coast.

By Order of the Federal Maritime Commission.

Dated: June 19, 2014.

Karen V. Gregory,

Secretary.

[FR Doc. 2014–14764 Filed 6–24–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

The Commission gives notice that the following applicants have filed an application for an Ocean Transportation Intermediary (OTI) license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF) pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101). Notice is also given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a licensee.

Interested persons may contact the Office of Ocean Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573, by telephone at (202) 523–5843 or by email at *OTI@fmc.gov.*

Archer Logistics USA LLC (NVO), 6051 Kennedy Boulevard East, Suite PHB, West New York, NJ 07093, Officer: Pape A. Ndoye, Member (QI), Application Type: New NVO License.

Cyclone Shipping, Inc. (OFF), 2816 East Sandy Court, Gilbert, AZ 85297, Officer: Eric Bailey, President, Application Type: Transfer to Cyclone Shipping, Inc. (an Arizona corporation).

Eastways Shipping Corp. (OFF), 131–08 Liberty Avenue, Richmond Hill, NY 11419, Officers: Latchmie Debideen, Vice President (QI), Sherlock N. Storey, President, Application Type: Additional QI.

Junction Int'l Logistics, Inc. (NVO & OFF), 17870 Castleton Street, Suite 105, City of Industry, CA 91748, Officers: Charles Kuo, Secretary (QI), Xingwang Chen, Director, Application Type: Add OFF Service.

North Star Container, LLC (NVO & OFF), 7400 Metro Blvd., #300, Edina, MN 55439, Officers: Nancy E. Guddal, Vice President (QI), Guohe Mao, President, Application Type: QI Change.

Omnitrans Corporation, Ltd. (NVO & OFF), 111 Broadway, Suite 1705B, New York, NY 10006, Officers: Concetta Mancione, Vice President (QI), Etienne Seiler, CEO, Application Type: QI Change.

RMR International, LLC (OFF), 42544 Hollyhock Terrace, Suite 104, Ashburn, VA 20148, Officer: Rodrigo M. Riveros, Managing Member (QI), Application Type: New OFF License.

YM International LLC (NVO), 714 S. Broadway, Suite B, Redondo Beach, CA 90277, Officer: Marie L. Mei, Member/Manager (QI), Application Type: New NVO License.

By the Commission.

Dated: June 6, 2014.

Karen V. Gregory,

Secretary.

[FR Doc. 2014–14765 Filed 6–24–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 7, 2014.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer), P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Tyrone A. Burroughs, Germantown,* Tennessee; individually and as part of a family control group; to acquire voting shares of First Alliance Bancshares, Inc., Cordova, Tennessee and thereby acquire sharing of First Alliance Bank, Cordova, Tennessee. The family control group consists of Tyrone A. Burroughs, Nelda F. Burroughs, and Burroughs Investment Group, all of Germantown, Tennessee; and Melanie B. Cole, Williamsburg, Virginia.

Board of Governors of the Federal Reserve System, June 19, 2014.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2014–14729 Filed 6–24–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in

writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 21, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President), 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *National Commerce Corporation,* Birmingham, Alabama; to merge with United Group Banking Company of Florida, Inc., and thereby acquire United Legacy Bank, both of Longwood, Florida.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President), 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Treynor Bancshares,* Inc., Treynor, Iowa; to acquire 20 percent of TS Contrarian Bancshares, Inc., Treynor, Iowa, and thereby indirectly acquire The Bank of Tioga, Tioga, North Dakota.

2. TS Contrarian Bancshares, Inc., Treynor, Iowa; to become a bank holding company by acquiring 100 percent of The Bank of Tioga, Tioga, North Dakota.

C. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer), P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Community Bank Shares* of Indiana, Inc., New Albany, Indiana; to merge with First Financial Service Corporation, Elizabethtown, Kentucky, and thereby indirectly acquire First Federal Savings Bank of Elizabethtown, Elizabethtown, Kentucky.

D. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President), 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Carlile Bancshares,* Inc., Fort Worth, Texas; to acquire Community Bankers, Inc., Fort Worth, Texas., and therefore indirectly acquire Community Banks Fort Worth, Texas. In connection with this application, Applicant also has applied to acquire Community Data Services, Inc., Cleburne, Texas, and thereby engage in activities related to data processing, pursuant to section 225.28(b)(14) of Regulation Y.

Board of Governors of the Federal Reserve System, June 19, 2014.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2014–14730 Filed 6–24–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 21, 2014.

A. Federal Reserve Bank of Philadelphia (William Lang, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. *Bryn Mawr Bank Corporation,* Bryn Mawr, Pennsylvania; to acquire Continental Bank Holdings, Plymouth Meeting, Pennsylvania, and thereby indirectly acquire Continental Bank, Plymouth Meeting, Pennsylvania, and thereby engage in operating a savings association pursuant to section 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, June 20, 2014.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2014–14854 Filed 6–24–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier HHS–OS–0990–New–30D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Assistant Secretary for Health, Office of Adolescent Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit a new Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting that ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before July 25, 2014.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–0990–new–30D for reference.

Information Collection Request Title: Pregnancy Assistance Fund Feasibility and Design Study (FADS).

Abstract: The Office of Adolescent Health (OAH), U.S. Department of Health and Human Services (HHS) is requesting approval by OMB on a new collection. The Pregnancy Assistance Fund (PAF) evaluation will provide information about program design, implementation, and impacts through two core components: A rigorous assessment of program impacts and implementation, and a descriptive examination of program design. This proposed information collection activity includes (a) program design and early implementation data collected through telephone interviews with PAF grantees and (b) baseline data in up to three impact sites through self-administered questionnaires.

Need and Proposed Use of the Information: Design and implementation data will build on knowledge about the grantees and their

program plans gathered from other sources as well as identify sites for the impact study. *Baseline survey data* will be used to confirm the integrity of the random assignment process, define subgroups for which impacts will be estimated, adjust impact estimates to account for survey non-response, and to improve the precision of impact estimates.

Likely Respondents: The 17 PAF grantee administrators and expectant or parenting young women in 2–3 grantee sites.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information.

The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Telephone Interview Protocol	6	1	2	12
Baseline Survey	950	1	.5	475
Total				487

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Darius Taylor,

Information Collection Clearance Officer.

[FR Doc. 2014–14775 Filed 6–24–14; 8:45 am]

BILLING CODE 4150–30–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Council on Alzheimer's Research, Care, and Services; Meeting

AGENCY: Assistant Secretary for Planning and Evaluation, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the public meeting of the Advisory Council on Alzheimer's Research, Care, and Services (Advisory Council). The Advisory Council on Alzheimer's Research, Care, and Services provides advice on how to prevent or reduce the burden of Alzheimer's disease and related dementias on people with the disease and their caregivers. During the July meeting, the Advisory Council will review and discuss its recommendations on informal caregiving, hear presentations on statistics about caregivers and existing programs to provide them with help, and hear presentations from the four subcommittees (Research, Clinical Care, Long-Term Services and Supports, and Ethics). The Advisory Council will also discuss the G7 Dementia Summit that was held on June 19th, 2014 in the UK.

DATES: The meeting will be held on July 21st, 2014 from 9:00 a.m. to 5:00 p.m. EDT.

ADDRESSES: The meeting will be held in Room 800 in the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

Comments: Time is allocated mid-morning on the agenda to hear public comments. In lieu of oral comments, formal written comments may be submitted for the record to Rohini Khillan, OASPE, 200 Independence Avenue SW., Room 424E, Washington, DC 20201. Comments may also be sent to *napa@hhs.gov.* Those submitting written comments should identify themselves and any relevant organizational affiliations.

FOR FURTHER INFORMATION CONTACT: Rohini Khillan (202) 690–5932, *rohini.khillan@hhs.gov.* Note: Seating may be limited. Those wishing to attend the meeting must send an email to *napa@hhs.gov* and put ''July 21 meeting attendance'' in the Subject line by Friday, July 11, so that their names may be put on a list of expected attendees and forwarded to the security officers at the Department of Health and Human Services. Any interested member of the public who is a non-U.S. citizen should include this information at the time of registration to ensure that the appropriate security procedure to gain entry to the building is carried out. Although the meeting is open to the public, procedures governing security and the entrance to Federal buildings may change without notice. If you wish to make a public comment, you must note that within your email.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)). Topics of the Meeting: The Advisory Council will review and discuss its recommendations on informal caregiving, hear presentations on statistics about caregivers and existing programs to provide them with help, and hear presentations from the four subcommittees (Research, Clinical Care, Long-Term Services and Supports, and Ethics).The Advisory Council will discuss the G7 Dementia Summit that was held on June 19th, 2014 in the UK.

Procedure and Agenda: This meeting is open to the public. Please allow 30 minutes to go through security and walk to the meeting room. The meeting will also be Webcast at *www.hhs.gov/live.*

Authority: 42 U.S.C. 11225; Section 2(e)(3) of the National Alzheimer's Project Act. The panel is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: June 16, 2014.

Richard Frank,

Assistant Secretary for Planning and Evaluation.

[FR Doc. 2014–14741 Filed 6–24–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0800]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

Focus Group Testing to Effectively Plan and Tailor Cancer Prevention and Control Communication Campaigns (OMB No. 0920–0800, expires 11/30/2014)—Extension—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The mission of the CDC's Division of Cancer Prevention and Control (DCPC) is to reduce the burden of cancer in the United States through cancer prevention, reduction of risk, early detection, better treatment, and improved quality of life for cancer survivors. Toward this end, the DCPC supports the scientific development and implementation of various health communication campaigns with an emphasis on specific cancer burdens. This process requires testing of messages, concepts, and materials prior to their final development and dissemination, as described in the second step of the health communication process. The health communication process is a scientific model developed by the U.S. Department of Health and Human Services' National Cancer Institute to guide sound campaign development.

The communication literature supports various data collection methods, one of which is focus groups, to conduct credible formative, concept, message, and materials testing. The purpose of focus groups is to ensure that the public and other key audiences, like health professionals, clearly understand cancer-specific information and concepts, are motivated to take the desired action, and do not react negatively to the messages. CDC is currently approved to collect information needed to plan and tailor cancer communication campaigns (OMB No. 0920–0800, exp. 11/30/2014), and seeks OMB approval to extend the existing generic clearance.

Information collection will involve focus groups to assess numerous qualitative dimensions of cancer prevention and control messages including, but not limited to, cancer knowledge, attitudes, beliefs, behavioral intentions, information needs and sources, clinical practices (among health care providers), and compliance with recommended cancer screening. Insights gained from the focus groups will assist in the development and/or refinement of future campaign messages and materials. Respondents will include health care providers as well as members of the general public. Communication campaigns and messages will vary according to the type of cancer, the qualitative dimensions of the message described above, and the type of respondents.

DCPC plans to conduct or sponsor up to 80 focus groups per year over a three-year period. An average of 10 respondents will participate in each focus group discussion. DCPC has developed a set of example questions that can be used to develop a discussion guide for each focus group activity. The average burden for response for each focus group will be two hours. DCPC has also developed a set of example questions that can be tailored to screen for targeted groups of respondents. The average burden per response for screening and recruitment is three minutes. A separate information collection request will be submitted to OMB for approval of each focus group activity. The request will describe the purpose of the activity and include the customized information collection instruments.

OMB approval is requested for three years. There are no changes to information collection purpose or methodology. There are minor reductions in the annualized estimates for the number of respondents and the number of burden hours. Participation is voluntary and there are no costs to respondents except their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Health care providers	Screening form	800	1	3/60	40
	Focus Group Discussion Guide	400	1	2	800
General Public	Screening form	800	1	3/60	40

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
	Focus Group Discussion Guide	400	1	2	800
Total	.....	.....	.....	.....	1,680

Leroy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–14834 Filed 6–24–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–14–0870]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

Monitoring and Reporting System for Chronic Disease Prevention and Control Programs (OMB No. 0920–0870, exp. 11/30/2014)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Tobacco use is the single most preventable cause of death and disease in the United States. Tobacco use causes heart disease and strokes, lung cancer and many other types of cancer, chronic obstructive pulmonary disease, lung disorders, pregnancy problems, sudden infant death syndrome, gum disease, and vision problems. Approximately 480,000 Americans die from tobacco-related illnesses annually, a higher number of deaths than the combined total deaths from HIV/AIDS, alcohol use, cocaine use, heroin use, homicides, suicides, motor vehicle crashes, and fires. For every person who dies from tobacco use, 20 more people suffer with at least one serious tobacco-related illness. There are also severe economic consequences of tobacco use as the U.S. spends approximately $280 billion annually in direct medical expenses and lost productivity attributable to the effects of tobacco use.

The National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP) provides funding to health departments in States, territories, and the District of Columbia to implement and evaluate chronic disease prevention and control programs, including tobacco control programs. Currently, CDC has cooperative agreements to support tobacco control programs in all 50 states and the District of Columbia under FOA DP14–1415, an extension of FOA DP09–901. These cooperative agreements technically ended on March 28, 2014, however a one-year cost extension (DP14–1415) was granted. Due to the cost extension, final reports on awardee activities are due to CDC approximately 90 days after the end of the funding period (June 26, 2015).

In order to maintain continuity in progress reporting through the end of the cost extension, CDC requests OMB approval to continue the collection of information from tobacco control program awardees for one year. Awardees will continue to submit semi-annual progress reports through a Web-based management information system (MIS).

CDC will continue to collect information about each awardee's tobacco control objectives, planning, activities, resources, partnerships, strategies, and progress toward meeting objectives. Awardees will use the information reported through the electronic MIS to manage and coordinate their activities and to improve their efforts. CDC will use the information reported through the MIS to document and monitor each awardee's progress and to make adjustments, as needed, in the type and level of technical assistance provided to them. The information collection allows CDC to oversee the use of federal funds, and identify and disseminate information about successful tobacco control strategies implemented by awardees. CDC also uses the information to respond to Congressional and stakeholder inquiries about awardee

activities, program implementation, and program impact.

Progress reporting through the MIS is required for CDC funded awardees. There are no costs to respondents other than their time. There are no changes to the content of the information collection, the frequency of information collection, or the estimated burden per response. The only change is a decrease in the number of tobacco control program respondents from 53 to 51. Puerto Rico and the Virgin Islands were originally funded under DP09–901 but discontinued their participation under the DP14–1415 cost extension. As a result, the total estimated annualized burden hours will decrease from 636 to 612.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
State Tobacco Control Program	Management Information System	51	2	6	612
Total					612

Leroy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–14788 Filed 6–24–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0773]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

National Surveillance for Severe Adverse Events Associated with Treatment of Latent Tuberculosis Infection (OMB No. 0920–0773, expires 11/30/2014)—Extension—Division of Tuberculosis Elimination (DTBE), National Center for HIV, Viral Hepatitis, STD, and TB Prevention NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

As part of the national tuberculosis (TB) elimination strategy, the American Thoracic Society and CDC have published recommendations for targeted testing for TB and treatment for latent TB infection (LTBI) (Morbidity and Mortality Weekly Report (MMWR) 2000;49[RR06];1–54). However, between October 2000 and September 2004, the CDC received reports of 50 patients with severe adverse events (SAEs) associated with the use of the two or three-month regimen of rifampin and pyrazinamide (RZ) for the treatment of LTBI; 12 (24%) patients died (MMWR 2003;52[31]:735–9).

In 2004, CDC began collecting reports of SAEs associated with any treatment regimen for LTBI. For surveillance purposes, an SAE was defined as any drug-associated reaction resulting in a patient's hospitalization or death after at least one treatment dose for LTBI. During 2004–2008, CDC received 17 reports of SAEs in 15 adults and two children; all patients had received isoniazid (INH) and had experienced severe liver injury MMWR 2010; 59:224–9).

Reports of SAEs related to RZ and INH have prompted a need for this project (a national surveillance system of such events). The objective of the project is to determine the annual number and temporal trends of SAEs associated with any treatment for LTBI in the United States. Surveillance of such events will provide data to support periodic evaluation or potential revision of guidelines for treatment of persons with LTBI.

On December 9, 2011, CDC published the *Recommendations for Use of an Isoniazid-Rifapentine Regimen with Direct Observation to Treat Latent Mycobacterium tuberculosis Infection* in MMWR 2011;60(48);1650–1653. Isoniazid-Rifapentin (3HP) is a new biweekly 3-month treatment regimen for LTBI. Since 2011, there have been 28 reports of SAE; 26 of these were associated with 3HP.

The CDC requests approval for a 3-year extension of the previously approved National Surveillance for Severe Adverse Events Associated with

Treatment of Latent Tuberculosis Infection. This project will continue the passive reporting system for SAEs associated with therapy for LTBI. The system will rely on medical chart review and/or onsite investigations by TB control staff.

Potential respondents are any of the 60 reporting areas for the national TB surveillance system (the 50 states, the District of Columbia, New York City, Puerto Rico, and 7 jurisdictions in the Pacific and Caribbean).

Data will be collected using the data collection form for SAEs associated with LTBI treatment. Based on previous reporting, CDC anticipates receiving an average of 10 responses per year from the 60 reporting areas. The data collection form is completed by healthcare providers and health departments for each reported hospitalization or death related to treatment of LTBI and contains demographic, clinical, and laboratory information.

CDC will analyze and periodically publish reports summarizing national LTBI treatment adverse events statistics and also will conduct special analyses for publication in peer-reviewed scientific journals to further describe and interpret these data.

The Food and Drug Administration (FDA) collects data on adverse events related to drugs through the MedWatch: The FDA Medical Products Reporting Program (OMB# 0910–0291, exp. 6/30/2015). CDC is encouraging health departments and healthcare providers to report SAEs to FDA. Reporting will be conducted through telephone, email, or during CDC site visits.

CDC is requesting approval for approximately 60 burden hours annually. The only cost to respondents is time to gather medical records and time to complete the reporting form. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Physician	NSSAE	10	1	1	10
Nurse	NSSAE	10	1	4	40
Medical Clerk	NSSAE	10	1	1	10
Total					60

Leroy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–14787 Filed 6–24–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0621]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

National Youth Tobacco Survey (NYTS) 2015–2017 (OMB No. 0920–0621, expires 01/31/2015)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Tobacco use is a major preventable cause of morbidity and mortality in the U.S. A limited number of health risk behaviors, including tobacco use, account for the overwhelming majority of immediate and long-term sources of morbidity and mortality. Because the majority of tobacco users begin using tobacco before the age of 18, there is a critical need for public health programs directed towards youth, and for information to support these programs.

Since 2004, the CDC has periodically collected information about tobacco use among adolescents (NYTS 2004, 2006, 2009, 2011, 2012, 2013, 2014 OMB no. 0920–0621, exp. 01/31/2015). This surveillance activity builds on previous surveys funded by the American Legacy Foundation in 1999, 2000, and 2002.

At present, the NYTS is the most comprehensive source of nationally representative tobacco data among students in grades 9–12, moreover, the NYTS is the only source of such data for students in grades 6–8. The NYTS has provided national estimates of tobacco use behaviors, information about exposure to pro- and anti-tobacco influences, information about racial and ethnic disparities in tobacco-related topics, and most recently, estimates of use of emerging products such as water pipes (hookahs) and electronic cigarettes (e-cigarettes). Information collected through the NYTS is used to identify trends over time, to inform the development of tobacco cessation programs for youth, and to evaluate the effectiveness of existing interventions and programs.

CDC plans to request OMB approval to conduct additional cycles of the NYTS in 2015, 2016, and 2017. The survey will be conducted among nationally representative samples of students attending public and private schools in grades 6–12, and will be administered to students as an optically scannable, eight-page booklet of multiple-choice questions. Information supporting the NYTS also will be collected from state-, district-, and school-level administrators and teachers. During the 2015–2017 timeframe, a number of changes will be incorporated that reflect the collaboration between CDC and the Food and Drug Administration that has been ongoing since 2011 to assist the agency with measuring progress toward meeting strategic goals established by the Family Smoking Prevention and Tobacco Control Act. The 2015 survey will examine the following topics: Use of cigarettes, smokeless tobacco, cigars, pipes, bidis, snus, hookahs, electronic vapor products, and dissolvable tobacco products; knowledge and attitudes; media and advertising; access to tobacco products; secondhand smoke exposure; and cessation. Given the dynamic nature of the tobacco control environment, particularly related to youth, it may be necessary in the future to make additional requests to OMB for changes in the NYTS instruments to reflect the varying landscape.

Results of the NYTS will continue to be used for public health program planning and evaluation. Information collected through the NYTS is expected to provide measures and data for monitoring progress on one of the 20 tobacco-related objectives for Healthy People 2020 and serve as complementary data for five other tobacco-related objectives.

OMB approval will be requested for three years. Changes described in the Revision request include changes to instrument content, a decrease in the average annualized number of respondents, and a decrease in the average annualized burden hours. There are no changes in the estimated burden per response for any type of respondent. Participation is voluntary and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
State Administrators	State-level Recruitment Script for the NYTS.	35	1	30/60	18
District Administrators	District-level Recruitment Script for the NYTS.	150	1	30/60	75
School Administrators	School-level Recruitment Script for the NYTS.	220	1	30/60	110
Teachers	Data Collection Checklist for the NYTS.	973	1	15/60	243
Students	National Youth Tobacco Survey	20,077	1	45/60	15,058
Total					15,504

Leroy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–14789 Filed 6–24–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2014–0007]

Proposed Revised Vaccine Information Materials for Td, Tdap, Haemophilus influenzae type b, and Rotavirus Vaccines

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: Under the National Childhood Vaccine Injury Act (NCVIA) (42 U.S.C. 300aa–26), the Centers for Disease Control and Prevention (CDC) within the Department of Health and Human Services (HHS) develops vaccine information materials that all health care providers are required to give to patients/parents prior to administration of specific vaccines. HHS/CDC seeks written comment on proposed updated vaccine information materials for tetanus/diphtheria vaccine (Td), tetanus/diphtheria and acelullar pertussis vaccine (Tdap), *Haemophilus influenzae* type b (Hib) vaccine, and rotavirus vaccine.

DATES: Written comments must be received on or before August 25, 2014.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2014–0007, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Written comments should be addressed to Suzanne Johnson-DeLeon (*msj1@cdc.gov*), National Center for

Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, Mailstop A–19, 1600 Clifton Road NE., Atlanta, Georgia 30333.

Instructions: All submissions received must include the agency name and docket number. All relevant comments received will be posted without change to *http://regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Skip Wolfe (*crw4@cdc.gov*), National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, Mailstop A–19, 1600 Clifton Road NE., Atlanta, Georgia 30329.

SUPPLEMENTARY INFORMATION: The National Childhood Vaccine Injury Act of 1986 (Pub. L. 99–660), as amended by section 708 of Public Law 103–183, added section 2126 to the Public Health Service Act. Section 2126, codified at 42 U.S.C. 300aa–26, requires the Secretary of Health and Human Services to develop and disseminate vaccine information materials for distribution by all health care providers in the United States to any patient (or to the parent or legal representative in the case of a child) receiving vaccines covered under the National Vaccine Injury Compensation Program (VICP).

Development and revision of the vaccine information materials, also known as Vaccine Information Statements (VIS), have been delegated by the Secretary to the Centers for Disease Control and Prevention (CDC). Section 2126 requires that the materials be developed, or revised, after notice to the public, with a 60-day comment period, and in consultation with the Advisory Commission on Childhood Vaccines, appropriate health care provider and parent organizations, and the Food and Drug Administration. The law also requires that the information contained in the materials be based on available data and information, be presented in understandable terms, and include:

(1) A concise description of the benefits of the vaccine,

(2) A concise description of the risks associated with the vaccine,

(3) A statement of the availability of the National Vaccine Injury Compensation Program, and

(4) Such other relevant information as may be determined by the Secretary.

The vaccines initially covered under the National Vaccine Injury Compensation Program were diphtheria, tetanus, pertussis, measles, mumps, rubella and poliomyelitis vaccines. Since April 15, 1992, any health care provider in the United States who intends to administer one of these covered vaccines is required to provide copies of the relevant vaccine information materials prior to administration of any of these vaccines. Since then, the following vaccines have been added to the National Vaccine Injury Compensation Program, requiring use of vaccine information materials for them as well: Hepatitis B, *Haemophilus influenzae* type b (Hib), varicella (chickenpox), pneumococcal conjugate, rotavirus, hepatitis A, meningococcal, human papillomavirus (HPV), and seasonal influenza vaccines. Instructions for use of the vaccine information materials and copies of the materials can be found on the CDC Web site at: *http://www.cdc.gov/vaccines/hcp/vis/index.html*.

HHS/CDC is proposing updated versions of the Td, Tdap, Hib, and rotavirus vaccine information statements. We also propose to revise the August 26, 2013 Instructions for the Use of Vaccine Information Statements to include a reference to these vaccine information materials.

The vaccine information materials referenced in this notice are being developed in consultation with the Advisory Commission on Childhood Vaccines, the Food and Drug Administration, and parent and health care provider groups.

We invite written comment on the proposed vaccine information materials entitled ''Td Vaccine: What You Need to Know;'' ''Tdap Vaccine: What You Need to Know;'' ''*Haemophilus influenzae* type b Vaccine: What You need to Know;'' and ''Rotavirus Vaccine: What You Need to Know.'' Copies of the proposed vaccine information materials are available at *http://www.regulations.gov* (see Docket Number CDC–2014–0007). Comments submitted will be considered in finalizing these materials. When the final materials are published in the **Federal Register**, the notice will include an effective date for their mandatory use.

Ron A. Otten,

Acting Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2014–14805 Filed 6–24–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0120]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Cosmetic Labeling Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 25, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0599. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Cosmetic Labeling Regulations—21 CFR Part 701 (OMB Control Number 0910–0599)—Extension

The Federal Food, Drug, and Cosmetic Act (the FD&C Act) and the Fair Packaging and Labeling Act (the FPLA) require that cosmetic manufacturers, packers, and distributors disclose information about themselves or their products on the labels or labeling of their products. Sections 201, 301, 502, 601, 602, 603, 701, and 704 of the FD&C Act (21 U.S.C. 321, 331, 352, 361, 362, 363, 371, and 374, respectively) and sections 4 and 5 of the FPLA (15 U.S.C. 1453 and 1454) provide authority to FDA to regulate the labeling of cosmetic

products. Failure to comply with the requirements for cosmetic labeling may render a cosmetic adulterated under section 601 of the FD&C Act or misbranded under section 602 of the FD&C Act.

FDA's cosmetic labeling regulations are published in part 701 (21 CFR part 701). Four of the cosmetic labeling regulations have information collection provisions. Section 701.3 requires the label of a cosmetic product to bear a declaration of the ingredients in descending order of predominance. Section 701.11 requires the principal display panel of a cosmetic product to bear a statement of the identity of the product. Section 701.12 requires the label of a cosmetic product to specify the name and place of business of the manufacturer, packer, or distributor. Section 701.13 requires the label of a cosmetic product to declare the net quantity of contents of the product.

In the **Federal Register** of April 17, 2014 (79 FR 21766), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL THIRD PARTY DISCLOSURE BURDEN [1]

21 CFR Section/Activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
701.3/Ingredients in order of predominance	1,518	21	31,878	1	31,878
701.11/Statement of identity	1,518	24	36,432	1	36,432
701.12/Name and place of business	1,518	24	36,432	1	36,432
701.13/Net quantity of contents	1,518	24	36,432	1	36,432
Total					141,174

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The hour burden is the additional or incremental time that establishments need to design and print labeling that includes the following required elements: A declaration of ingredients in decreasing order of predominance, a statement of the identity of the product, a specification of the name and place of business of the establishment, and a declaration of the net quantity of contents. These requirements increase the time establishments need to design labels because they increase the number of label elements that establishments must take into account when designing labels. These requirements do not generate any recurring burden per label because establishments must already print and affix labels to cosmetic products as part of normal business practices.

The estimated annual third party disclosure is based on data available to the Agency, our knowledge of and experience with cosmetic labeling, and our communications with industry. We estimate there are 1,518 cosmetic product establishments in the United States. We calculate label design costs based on stock keeping units (SKUs) because each SKU has a unique product label. Based on data available to the Agency and on communications with industry, we estimate that cosmetic establishments will offer 94,800 SKUs for retail sale in 2014. This corresponds to an average of 62 SKUs per establishment.

One of the four provisions that we discuss in this information collection, § 701.3, applies only to cosmetic products offered for retail sale. However, the other three provisions, §§ 701.11, 701.12, and 701.13, apply to all cosmetic products, including non-retail professional-use-only products. We estimate that including professional-use-only cosmetic products increases the total number of SKUs by 15 percent to 109,020. This corresponds to an average of 72 SKUs per establishment.

Finally, based on the Agency's experience with other products, we estimate that cosmetic establishments may redesign up to one-third of SKUs per year. Therefore, we estimate that the number of disclosures per respondent will be 21 (31,878 SKUs) for § 701.3 and 24 each (36,432 SKUs) for §§ 701.11, 701.12, and 701.13.

We estimate that each of the required label elements may add approximately 1 hour to the label design process. We base this estimate on the burden hours the Agency has previously estimated for food, drug, and medical device labeling and on the Agency's knowledge of cosmetic labeling. Therefore, we estimate that the total burden hours on members of the public for this information collection are 141,174 hours per year.

Dated: June 19, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–14768 Filed 6–24–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0493]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 25, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0688. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded—(OMB Control Number 0910–0688)—Extension

In the **Federal Register** of January 23, 2002 (67 FR 3060), we established regulations in § 330.14 (21 CFR 330.14) providing additional criteria and procedures for classifying over-the-counter (OTC) drugs as generally recognized as safe and effective and not misbranded (2002 time and extent application (TEA) final rule). These regulations state that OTC drug products introduced into the U.S. market after the OTC drug review began and OTC drug products without any marketing experience in the United States can be evaluated under the monograph process if the conditions (e.g., active ingredients) meet certain ''time and extent'' criteria outlined in § 330.14(b). The regulations allow a TEA to be submitted to us by any party for our consideration to include new conditions in the OTC drug monograph system. TEAs must provide evidence described in § 330.14(c) demonstrating that the condition is eligible for inclusion in the monograph system. (Section 330.14(d) specifies the number of copies and address for submission of a TEA.) If a condition is found eligible, any interested parties can submit safety and effectiveness information as explained in § 330.14(f). Safety and effectiveness data includes the data and information listed in 21 CFR 330.10(a)(2), a listing of all serious adverse drug experiences that may have occurred, and an official or proposed compendial monograph. We published the Guidance for Industry ''Time and Extent Applications for Nonprescription Drug Products'' on September 29, 2011 (76 FR 60504).

In the **Federal Register** of October 8, 2010 (75 FR 62404), we published a 60-day notice requesting public comment on the proposed collection of information. In that notice, we stated that based on the number of submissions we had received in the 8 years following publication of the TEA final rule, we expected to receive an average of two TEAs and two submissions of safety and effectiveness data each year. In the same document, we stated in our estimate that approximately 1,525 hours are required to prepare a TEA and approximately 2,350 hours to prepare a safety and effectiveness submission. This estimate is based on a comment from a manufacturer that filed two TEAs that was submitted to the Agency in response to the 60-day notice requesting public comment on this proposed collection of information in the **Federal Register** of October 8, 2010. The commenter included, as part of the estimated burden of safety and effectiveness data submission, an estimated burden to submit environmental data to conduct an environmental assessment as required by the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) (see 21 CFR 25.1), or the application of any categorical exclusion that may be warranted (21 CFR 25.20(f)). Because the information provided in the submission is based on actual experience by a TEA applicant and included an estimated burden to comply with NEPA, we agreed with the submission and adjusted our estimates accordingly. Based on our experience since the October 2010 notice, we continue to estimate that we will receive two TEAs and two safety and effectiveness submissions each year, and that it will take approximately 1,525 hours to prepare a TEA and 2,350 hours to prepare a comprehensive safety and effectiveness submission, to include environmental data.

In the **Federal Register** of March 24, 2014 (79 FR 16007), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
330.14(c)—Time and Extent Application and (d) [2]—Submission of Information; Confidentiality	2	1	2	1,525	3,050
330.14(f)—Request for Data and Views and (i) [3]—Compendial Monograph	2	1	2	2,350	4,700
Total					7,750

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] TEA.
[3] Safety and effectiveness submission, including environmental data in accordance with 21 CFR 25.1.

Dated: June 19, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–14767 Filed 6–24–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0798]

Medical Device Data Systems, Medical Image Storage Devices, and Medical Image Communication Devices; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Medical Device Data Systems, Medical Image Storage Devices, and Medical Image Communication Devices.'' FDA is issuing this document to inform manufacturers, distributors, and other entities that the Agency does not intend to enforce compliance with the regulatory controls that apply to Medical Device Data Systems (MDDS), medical image storage devices, and medical image communications devices, due to the low risk they pose to patients and the importance they play in advancing digital health. In this document, FDA is also proposing changes to its guidance entitled ''Mobile Medical Applications,'' issued on September 25, 2013, to conform to the proposed policy discussed in this draft guidance document. This draft guidance is not final nor is it in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment of this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by August 25, 2014.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Medical Device Data Systems, Medical Image Storage Devices, and Medical Image Communication Devices'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the draft guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Bakul Patel, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 5456, Silver Spring, MD 20993–0002, 301–796–5528.

SUPPLEMENTARY INFORMATION:

I. Background

FDA recognizes that the progression to digital health offers the potential for better, more efficient patient care and improved health outcomes. To achieve this goal requires that many medical devices be interoperable with various types of health information technology, including other types of medical devices. The foundation for such inter-communication is hardware and software that transfer, store, convert formats, and display medical device data. FDA has called such technologies MDDS. A MDDS does not modify the data, and it does not control the functions or parameters of any connected medical device. MDDS are not intended to be used for active patient monitoring.

On February 15, 2011 (76 FR 8637), FDA issued a regulation down-classifying MDDS from class III (high-risk) to class I (low-risk). Class I devices are subject to general controls under the Federal Food, Drug, and Cosmetic Act. Since then, FDA has gained additional experience with these types of technologies and has determined that these devices pose a low risk to the public. Therefore, this document proposes a compliance policy whereby FDA would not intend to enforce compliance with the regulatory controls that apply to MDDS devices, medical image storage devices, and medical image communications devices.

This document also proposes changes to the Agency's 2013 guidance entitled ''Mobile Medical Applications'' which would conform to the policy stated in this document, once this document is finalized. Upon finalization, the description of these conforming changes will be removed from this document and FDA will issue an updated version of the ''Mobile Medical Applications'' guidance that incorporates these changes.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on medical device data systems, medical image storage devices, and medical image communications devices. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm*. Guidance documents are also available at *http://www.regulations.gov*. Persons unable to download an electronic copy of ''Medical Device Data Systems, Medical Image Storage Devices, and Medical Image Communication Devices'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1400021 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

FDA tentatively concludes that this draft guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Dated: June 17, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–14769 Filed 6–24–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0010]

Cooperative Agreement to Support the World Trade Organization's Standards and Trade Development Facility

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its intention to receive and consider a single source application for the award of a cooperative agreement in fiscal year 2014 (FY14) to the World Trade Organization's (WTO) Standards and Trade Development Facility (STDF).

DATES: Important dates are as follows:

1. The application due date is July 23, 2014.
2. The anticipated start date is September 2014.
3. The opening date is June 23, 2014.
4. The expiration date is July 24, 2014.

ADDRESSES: Submit electronic applications to: *http://www.grants.gov.* For more information, see section III of the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: *Scientific/Programmatic Contact:* Julie Moss, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy. (HFS–550), College Park, MD 20740, 240–402–2031, email: *julie.moss@fda.hhs.gov.*

Grants Management Contact: Kimberly Pendleton Chew, Office of Acquisitions and Grant Services, Food and Drug Administration, 5630 Fishers Lane, rm. 2031, Rockville, MD 20857, 240–402–7610, email: *kimberly.pendleton@fda.hhs.gov.*

For more information on this funding opportunity announcement (FOA) and to obtain detailed requirements, please refer to the full FOA located at *http://www.fda.gov/food/newsevents/default.htm.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

RFA–FD–14–087

93.103

A. Background

The STDF is a unique global partnership established by the Food and Agriculture Organization, World Organization for Animal Health, World Bank, World Health Organization (WHO) and the WTO. The STDF supports developing countries in building their capacity to implement international sanitary and phytosanitary (SPS) standards, guidelines, and recommendations as a means to improve their human, animal, and plant health status and ability to gain or maintain access to markets. In achieving its aims, the STDF acts as both a coordinating and a financing mechanism.

The STDF is a widely established knowledge platform for information exchange, sharing experiences, and the identification and dissemination of good practice on SPS-related technical cooperation. Since 2004, over 60 projects and 52 project preparation grants have assisted developing countries to overcome SPS constraints, and gain and maintain market access. Over 50 percent have benefited least developed and other low-income countries.

The STDF utilizes a key decision support tool, Multi-Criteria Decision Analysis (MCDA), to help establish SPS priorities and ensure resources are used as efficiently as possible. The use of the MCDA tool is unique within the STDF and is a highly valued attribute; the MCDA tool facilitates an open and transparent discussion among public and private stakeholders about capacity building needs and resources. The STDF is committed to the Paris Principles on Aid Effectiveness and to achieving the Millennium Development Goals.

With an increasingly diverse and complex global food supply, FDA's interest is to strengthen food safety systems globally to prevent food safety problems rather than merely reacting to problems after they occur. FDA recognizes that it cannot do this alone. By leveraging with other WTO member countries and partnering with the STDF, FDA can broaden the reach of food safety capacity building efforts.

This cooperative agreement will allow FDA to deepen its international food safety capacity building partnerships, provide a wider scope of impact than exists currently, and leverage resources with other countries.

B. Research Objectives

The purpose of this cooperative agreement is to:

- Contribute to the knowledge base and development of food safety systems globally due to the increasingly diverse and complex food supply;
- Enhance and broaden FDA's ability to address global food safety and public health issues associated with food;
- Provide opportunities to leverage additional resources among WTO member countries;
- Support FDA's Food Safety Modernization Act (Pub. L. 111–353) and its International Food Safety Capacity Building Plan, which emphasizes the concept of preventing food safety related problems before they occur, and the importance of establishing strong relationships and mutual support among all stakeholders, including multilateral organizations, to improve worldwide food safety.

C. Eligibility Information

Competition is limited to the STDF hosted by the WTO. The STDF is a global partnership with a well-established, trusted presence and is uniquely qualified to further the global food safety capacity building objectives of this cooperative agreement. STDF's mandate is to: (1) Increase awareness, mobilize resources, strengthen collaboration, identify and disseminate good practice and (2) provide support and funding for the development and implementation of projects that promote compliance with international SPS requirements.

An independent external evaluation of the STDF in 2008 concluded that the STDF ''carries out an important role that no other single body would be able to accomplish.'' (Source: STDF Newsletter, Vol. 2, Issue 1, February 2009, accessible at: *http://www.standardsfacility.org*).

As such, the STDF is uniquely equipped to fulfill the objectives of this cooperative agreement due to its diverse access to WTO members in both developed and developing countries, and its ability to coordinate capacity building programs at a national and global level. Engaging the STDF through this cooperative agreement will provide FDA with ample opportunities to leverage additional resources among WTO member countries. Overall, the objectives of the STDF are directly in line with the objectives of this cooperative agreement. This ability to advance the objectives of this cooperative agreement through member country engagement and leveraging is a requisite for success.

II. Award Information/Funds Available

A. Award Amount

The Center for Food Safety and Applied Nutrition intends to fund one award up to $200,000 total costs (direct plus indirect costs) for FY 2014. Future year amounts will depend on annual appropriations and successful performance.

B. Length of Support

The award will provide 1 year of support and include future recommended support for four additional years, contingent upon satisfactory performance in the achievement of project and program reporting objectives during the preceding year and the availability of Federal fiscal year appropriations.

III. Electronic Application, Registration, and Submission

Only electronic applications will be accepted. To submit an electronic application in response to this FOA, applicants should first review the full announcement located at *http://www.fda.gov/food/newsevents/default.htm.* (FDA has verified the Web site addresses throughout this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.) For all electronically submitted applications, the following steps are required.

- Step 1: Obtain a Dun and Bradstreet (DUNS) Number
- Step 2: Register With System for Award Management (SAM)
- Step 3: Obtain Username & Password
- Step 4: Authorized Organization Representative (AOR) Authorization
- Step 5: Track AOR Status
- Step 6: Register With Electronic Research Administration (eRA) Commons

Steps 1 through 5, in detail, can be found at *http://www07.grants.gov/applicants/organization_registration.jsp.* Step 6, in detail, can be found at *https://commons.era.nih.gov/commons/registration/registrationInstructions.jsp.* After you have followed these steps, submit electronic applications to: *http://www.grants.gov.*

Dated: June 19, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–14766 Filed 6–24–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than July 25, 2014.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Rural Health Information Technology (HIT) Workforce Program Performance Measures.

OMB No.: 0915–xxxx—New.

Abstract: The purpose of the Rural HIT Workforce Program is to support formal rural health networks that focus on activities relating to the recruitment, education, training, and retention of HIT specialists. This program will also provide support to rural health networks that can leverage and enhance existing HIT training materials to develop formal training programs, which will provide instructional opportunities to current health care staff, local displaced workers, rural residents, veterans, and other potential students. These formal training programs will result in the development of a cadre of HIT workers who can help rural hospitals and clinics implement and maintain systems such as electronic health records (EHR), telehealth, home monitoring, and mobile health technology; and meet EHR meaningful use standards.

Need and Proposed Use of the Information: For this program, performance measures were drafted to provide data useful to the program and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act (GPRA) of 1993 (Pub. L. 103–62). These measures cover the principal topic areas of interest to the Office of *Rural Health Policy, including:* (a) Service area; (b) demographics; (c) network; (d) sustainability; (e) access to education; (f) education and training; and (g) workforce recruitment and retention. Several measures will be used for this program. These measures will speak to the Office of Rural Health Policy's progress toward meeting the goals set.

Summary of Prior Comments and Agency Response: A 60-day **Federal Register** notice was published in the **Federal Register** on February 11, 2014 (see, 79 FR 8197). There were no comments.

Likely Respondents: Rural Health Information Technology Workforce Program award recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Rural Health Information Technology (HIT) Workforce Program Performance Measures	15	1	15	3.6	54
Total	15	1	15	3.6	54

Dated: June 19, 2014.

Jackie Painter,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2014–14804 Filed 6–24–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Lists of Designated Primary Medical Care, Mental Health, and Dental Health Professional Shortage Areas

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: This notice advises the public of the published lists of all geographic areas, population groups, and facilities designated as primary medical care, mental health, and dental health professional shortage areas (HPSAs) as of May 23, 2014, available on the Health Resources and Services Administration (HRSA) Web site at *http://www.hrsa.gov/shortage/.*

HPSAs are designated or withdrawn by the Secretary of Health and Human Services (HHS) under the authority of section 332 of the Public Health Service (PHS) Act and 42 CFR part 5.

SUPPLEMENTARY INFORMATION:

Background: Section 332 of the PHS Act, 42 U.S.C. 254e, provides that the Secretary of HHS shall designate HPSAs based on criteria established by regulation. HPSAs are defined in section 332 to include (1) urban and rural geographic areas with shortages of health professionals, (2) population groups with such shortages, and (3) facilities with such shortages. Section 332 further requires that the Secretary annually publish a list of the designated geographic areas, population groups, and facilities. The lists of HPSAs are to be reviewed at least annually and revised as necessary. HRSA's Bureau of Health Workforce (BHW) has the responsibility for designating and updating HPSAs.

Public or private nonprofit entities are eligible to apply for assignment of National Health Service Corps (NHSC) personnel to provide primary care, mental, or dental health services in or to these HPSAs. NHSC health professionals with a service obligation may enter into service agreements to serve only in federally designated HPSAs. Entities with clinical training sites located in HPSAs are eligible to receive priority for certain residency training program grants administered by the BHW. Many other federal programs also utilize HPSA designations. For example, under authorities administered by the Centers for Medicare and Medicaid Services, certain qualified providers in geographic area HPSAs are eligible for increased levels of Medicare reimbursement.

Development of the Designation and Withdrawal Lists: Criteria for designating HPSAs were published as final regulations (42 CFR part 5) in 1980. Criteria then were defined for each of seven health professional types (primary medical care, dental, psychiatric, vision care, podiatric, pharmacy, and veterinary care). The criteria for correctional facility HPSAs were revised and published on March 2, 1989 (54 FR 8735). The criteria for psychiatric HPSAs were expanded to mental health HPSAs on January 22, 1992 (57 FR 2473). Currently funded PHS Act programs use only the primary medical care, mental health, or dental HPSA designations.

Individual requests for designation or withdrawal of a particular geographic area, population group, or a facility as a HPSA are received and reviewed continuously by BHW. The majority of the requests come from the Primary Care Offices (PCO) in the State Health Departments, who have access to the on-line application and review system. Requests that come from other sources are referred to the PCOs for their review and concurrence. In addition, interested parties, including the Governor, the State Primary Care Association, and state professional associations are notified of each request submitted for their comments and recommendations.

Annually, lists of designated HPSAs are made available to all PCOs, state medical and dental societies, and others, with a request to review and update the data on which the designations are based. Emphasis is placed on updating those designations that are more than 3-years old or where significant changes relevant to the designation criteria have occurred.

Recommendations for possible additions, continuations, revisions, or withdrawals from a HPSA list are reviewed by BHW, and the review findings are provided by letter to the agency or individual requesting action or providing data, with copies to other interested organizations and individuals. These letters constitute the official notice of designation as a HPSA, rejection of recommendations for HPSA designation, revision of a HPSA designation, and/or advance notice of pending withdrawals from the HPSA list. Designations (or revisions of designations) are effective as of the date on the notification letter from BHW. Proposed withdrawals become effective only after interested parties in the area affected have been afforded the opportunity to submit additional information to BHW in support of its continued or revised designation. If no new data are submitted, or if BHW review confirms the proposed withdrawal, the withdrawal becomes effective upon publication of the lists of designated HPSAs in the **Federal Register**. In addition, lists of HPSAs are updated daily on the HRSA Web site, *http://www.hrsa.gov/shortage/,* so that interested parties can access the most accurate and timely information.

Publication and Format of Lists: Due to the large volume of designations, a printed version of the list is no longer distributed. This notice serves to inform the public of the availability of the complete listings of designated HPSAs on the HRSA Web site. The three lists (primary medical care, mental health, and dental) of designated HPSAs are available at a link on the HRSA Web site at *http://www.hrsa.gov/shortage/,* and

include a snapshot of all geographic areas, population groups, and facilities that were designated HPSAs as of May 23, 2014. This notice incorporates the most recent annual reviews of designated HPSAs and supersedes the HPSA lists published in the **Federal Register** on June 27, 2013 (77 FR 38838). The lists also include automatic facility HPSAs, designated as a result of the Health Care Safety Net Amendments of 2002 (Pub. L. 107–251), not subject to update requirements. Each list of designated HPSAs (primary medical care, mental health, and dental) is arranged by state. Within each state, the list is presented by county. If only a portion (or portions) of a county is (are) designated, or if the county is part of a larger designated service area, or if a population group residing in the county or a facility located in the county has been designated, the name of the service area, population group, or facility involved is listed under the county name. Counties that have a whole county geographic HPSA are indicated by the ''Entire county HPSA'' notation following the county name. Further details on the snapshot of HPSAs listed can be found on the HRSA Web site: *http://www.hrsa.gov/shortage/.*

In addition to the specific listings included in this notice, all Indian Tribes that meet the definition of such Tribes in the Indian Health Care Improvement Act of 1976, 25 U.S.C. 1603(d), are automatically designated as population groups with primary medical care and dental health professional shortages. The Health Care Safety Net Amendments of 2002 also made the following entities eligible for automatic facility HPSA designations: all federally qualified health centers (FQHCs) and rural health clinics that offer services regardless of ability to pay. These entities include: FQHCs funded under section 330 of the PHS Act, FQHC Look-Alikes, and Tribal and urban Indian clinics operating under the Indian Self-Determination and Education Act of 1975 (25 U.S.C. 450) or the Indian Health Care Improvement Act. Many, but not all, of these entities are included on this listing. Exclusion from this list does not exclude them from HPSA designation; any facilities eligible for automatic designation will be included in the database as they are identified.

Future Updates of Lists of Designated HPSAs: The lists of HPSAs on the HRSA Web site below consist of all those that were designated as of May 23, 2014. It should be noted that HPSAs are currently updated on an ongoing basis based on the identification of new areas, population groups, facilities, and sites that meet the eligibility criteria or that no longer meet eligibility criteria and/or are being replaced by another type of designation. As such, additional HPSAs may have been designated by letter since that date. The appropriate agencies and individuals have been or will be notified of these actions by letter. These newly designated HPSAs will be included in the next publication of the HPSA list and are currently included in the daily updates posted on the HRSA Web site at *http://www.hrsa.gov/shortage/find.html.*

Any designated HPSA listed on the HRSA Web site below is subject to withdrawal from designation if new information received and confirmed by HRSA indicates that the relevant data for the area involved have significantly changed since its designation. The effective date of such a withdrawal will be the next publication of a notice regarding this list in the **Federal Register**. All requests for new designations, updates, or withdrawals should be based on the relevant criteria in regulations published at 42 CFR part 5.

Electronic Access Address: The complete list of HPSAs designated as of May 23, 2014, are available on the HRSA Web site at *http://www.hrsa.gov/shortage/.* Frequently updated information on HPSAs is also available at *http://datawarehouse.hrsa.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for further information on the HPSA designations listed on the HRSA Web site below and requests for additional designations, withdrawals, or reapplication for designation should be submitted to Melissa Ryan, Operations Director, Division of Policy and Shortage Designation, Bureau of Health Workforce, Health Resources and Services Administration, Room 9A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 594–0816, *http://www.hrsa.gov/shortage/.*

Dated: June 18, 2014.

Mary K. Wakefield,

Administrator.

[FR Doc. 2014–14806 Filed 6–24–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Careers Opportunity Program

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice of class deviation from competition requirements for the Health Careers Opportunity Program (HCOP).

SUMMARY: The Health Resources and Services Administration (HRSA) will be issuing non-competitive awards for the HCOP program. Approximately $9.8 million will be made available in the form of grants to the awardees listed in the chart below for the budget period beginning September 1, 2014. We have determined the need for significant program changes prior to launching a new competition to the field. This will enable the Bureau of Health Workforce to thoughtfully redesign the current program to ensure that it meets the needs of both the government and the field, and conduct a single competition in fiscal year (FY) 2015.

SUPPLEMENTARY INFORMATION: Grantees of record and intended award amounts are:

Grant No.	Institution name	State	Anticipated FY 2014 funding amount
D18HP23034	University of Alabama Birmingham	AL	$624,823
D18HP23007	University of Arizona	AZ	739,146
D18HP10623	University of California, San Diego	CA	742,224
D18HP23028	D'Youville College	NY	679,854
D18HP10617	Marquette University	WI	719,155
D18HP05283	Meharry Medical College	TN	750,000
D18HP23030	Michigan State University	MI	667,125
D18HP10625	University of Michigan-Flint	MI	592,581
D18HP10627	Mount Sinai School of Medicine	NY	686,377
D18HP23032	University of Texas Medical Branch	TX	750,000
D18HP23014	Research Foundation of the State University of New York	NY	712,447

Grant No.	Institution name	State	Anticipated FY 2014 funding amount
D18HP23023	Howard University	DC	735,372
D18HP23019	St. Vincent Health	IN	662,002
D18HP23031	Northeastern Vermont AHEC	VT	709,350

Amount of the Award(s): Up to $750,000 (see chart above).

CFDA Number: 93.822.

Current Project Period: September 1, 2011, through August 31, 2014.

Period of Supplemental Funding: September 1, 2014, through August 31, 2015.

Authority: Title VII, Section 739 of the Public Health Service (PHS) Act, as amended by Section 5402 of the Affordable Care Act.

Justification: A diverse health professions workforce is critical to achieving greater health equity and ensuring access to quality health care services for underrepresented and underserved populations. The increasing diversity of the U.S. population requires a health care workforce that reflects the population, is knowledgeable, and culturally competent to care for a growing range of health care needs and can serve populations in hard to reach places. HRSA's HCOP grant program serves as a pipeline program by encouraging, cultivating, and supporting students from economically and academically disadvantaged backgrounds to enter healthcare fields.

By extending the performance period of the 14 HCOP grantees listed above, we will create a single cohort of HCOP grantees. These awards will align with the HCOP performance and budget periods for the remaining three HCOP grantees, which runs through August 2015, resulting in administrative savings over a competitive grant making process. Aligning the project periods will also greatly facilitate HRSA efforts to manage this program as a network of grantees working towards common programmatic goals.

Following the current year of funding, HRSA plans to conduct a single funding competition in FY 2015. We will be able to systematically assess the needs of the field, involve grantees in defining the direction of the program, and develop an innovative redesign of the program including strategies that are more aligned with HRSA's diversity priorities and the direction of the field.

FOR FURTHER INFORMATION CONTACT: Tia-Nicole Leak, Ph.D., Division of Public Health and Interdisciplinary Education, Bureau of Health Workforce, Health Resources and Services Administration, 5600 Fishers Lane, Room 9C–26, Rockville, Maryland 20857, or email *tleak@hrsa.gov.*

Dated: June 19, 2014.

Mary K. Wakefield,

Administrator.

[FR Doc. 2014–14808 Filed 6–24–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Service Administration

Advisory Committee on Interdisciplinary, Community-Based Linkages; Notice of Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Advisory Committee on Interdisciplinary, Community-Based Linkages (ACICBL).

Date And Time: July 2, 2014 (10:00 a.m.—4:00 p.m.).

Place: Webinar and Conference Call Format.

Status: The meeting will be open to the public.

Purpose: The members of the ACICBL will begin the planning required to develop the legislatively mandated 14th Annual Report to the Secretary of Health and Human Services and Congress. The meeting objectives are to: (1) Orient new members to the work of the ACICBL, (2) provide an update on training programs; (3) focus on a relevant topic that will enhance the mission of the Title VII—Part D training programs; and (4) develop an outline that will inform the development of the 14th Annual Report.

Agenda: The ACICBL agenda includes an opportunity for each member to offer ideas for the upcoming report, along with identifying consultants in specific areas who could provide expert testimony. The staff writer provided by the Health Resources and Services Administration (HRSA), Bureau of Health Workforce, will offer a strategy for outlining the upcoming report. The agenda will be available 2 days prior to the meeting on the HRSA Web site *(http://www.hrsa.gov/advisory committees/bhpradvisory/acicbl/acicbl.html).* Agenda items are subject to change as priorities dictate.

Requests to make oral comments or provide written comments to the ACICBL should be sent to Dr. Joan Weiss, Designated Federal Official, using the address and phone number below. Individuals who plan to participate on the conference call should notify Dr. Weiss at least 3 days prior to the meeting, using the address and phone number below. Members of the public will have the opportunity to provide comments. Interested parties should refer to the meeting subject as the HRSA Advisory Committee on Interdisciplinary, Community-Based Linkages.

The conference call-in number is 1–800–369–1867. The passcode is: 8803797. The webinar link is *https://hrsa.connectsolutions.com/acicblreport14/.*

SUPPLEMENTARY INFORMATION: Members of the public and interested parties may request to provide comments or attend the meeting via conference call and webinar by emailing their first name, last name, and full email address to Dr. Joan Weiss using the address and phone number below. Access is by invitation only. The logistical challenges of scheduling this meeting hindered an earlier publication of this meeting notice.

FOR FURTHER INFORMATION CONTACT: Anyone requesting information regarding the ACICBL should contact Dr. Joan Weiss, Designated Federal Official within the Bureau of Health Workforce, Health Resources and Services Administration, in one of three ways: (1) Send a request to the following address: Dr. Joan Weiss, Designated Federal Official, Bureau of Health Workforce, Health Resources and Services Administration, Parklawn Building, Room 9C–05, 5600 Fishers Lane, Rockville, Maryland 20857; (2) call (301) 443–0430; or (3) send an email to *jweiss@hrsa.gov.*

Dated: June 19, 2014.

Jackie Painter,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2014–14802 Filed 6–24–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Non-Competitive Program Expansion Supplement for Ryan White HIV/AIDS Part D Program, for Coordinated HIV Services and Access for Women, Infants, Children and Youth

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of a Non-Competitive Program Expansion Supplement to the Ryan White HIV/AIDS Part D Program for Coordinated HIV Services and Access for Women, Infants, Children and Youth.

SUMMARY: The Health Resources and Services Administration (HRSA) will issue a non-competitive program expansion supplement to up to 115 Ryan White HIV/AIDS Part D program grantees to support interventions that will positively impact the HIV health outcomes of women, infants, children, and youth in communities where Part D grantees are located. HRSA will provide such one-time program expansion supplemental awards for Part D grantees, in an amount not to exceed the lesser of $150,000 or 25 percent of each fiscal year (FY) 2014 grant award.

SUPPLEMENTARY INFORMATION: No additional information.

Authority: Section 2671 of the Public Health Service (PHS) Act (42 U.S.C. 300ff–71).

CFDA Number: 93.918.

Project period: The period of support for this award is 11 months. The project period is from August 1, 2014, through June 30, 2015. This is explained below in further detail.

Justification for the Exception to Competition: The programmatic supplements will support the women, infants, children, and youth (WICY) populations served by Part D grantees and are designed to support interventions that will positively impact the HIV health outcomes in Part D grantee communities. The Part D Program Expansion Supplements will fund HIV Care Continuum interventions: (1) To enhance the competencies and skills of the HIV workforce (including health educators, linkage/retention staff, nurses, case managers/care coordinators, etc.) located at the Part D grantee site and partner sites to assist people living with HIV/AIDS (PLWH) in engagement and retention in HIV care; and (2) in medication adherence to achieve viral load suppression. The numbers of PLWH to be impacted include more than 200,000 women, infants, children, and youth that are served by current Part D grantees. All currently funded Part D grantees (115) are eligible for this supplemental funding opportunity and the maximum cumulative total awards will not exceed $12,177,374.

To conform to HRSA's efforts to align project/budget period start dates with the standard quarterly dates, in the FY 2012 re-competition of the entire Part D program, the project period end date was established as June 30, 2015. As a result, the FY 2014 budget period for the Part D program grantees will be 11 months from August 1, 2014, through June 30, 2015.

FOR FURTHER INFORMATION CONTACT: John Fanning, Senior Policy Advisor, Division of Community HIV/AIDS Programs, HAB, HRSA, 5600 Fishers Lane, Rockville, MD 20857, by email *jfanning@hrsa.gov,* or by phone at (301) 443–8367.

Dated: June 16, 2014.

Mary K. Wakefield,

Administrator.

[FR Doc. 2014–14873 Filed 6–24–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director Notice of Charter Renewal

In accordance with Title 41 of the U.S. Code of Federal Regulations, Section 102–3.65(a), notice is hereby given that the Charter for the NIH ADVISORY BOARD FOR CLINICAL RESEARCH (ABCR) was renewed for an additional two-year period on April 26, 2014.

It is determined that the ABCR is in the public interest in connection with the performance of duties imposed on the National Institutes of Health by law, and that these duties can best be performed through the advice and counsel of this group.

Inquires may be directed to Jennifer Spaeth, Director, Office of Federal Advisory Committee Policy, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, Maryland 20892 (Mail Code 4875), Telephone (301) 496–2123, or *spaethj@od.nih.gov.*

Dated: June 19, 2014.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–14737 Filed 6–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Notice of Charter Renewal

In accordance with Title 41 of the U.S. Code of Federal Regulations, Section 102–3.65(a), notice is hereby given that the Charter for the National Cancer Institute Clinical Trials and Translational Research Advisory Committee was renewed for an additional two-year period on April 14, 2014.

It is determined that the National Cancer Institute Clinical Trials and Translational Research Advisory Committee is in the public interest in connection with the performance of duties imposed on the National Cancer Institute and National Institutes of Health by law, and that these duties can best be performed through the advice and counsel of this group.

Inquiries may be directed to Jennifer Spaeth, Director, Office of Federal Advisory Committee Policy, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, Maryland 20892 (Mail code 4875), Telephone (301) 496–2123, or *spaethj@od.nih.gov.*

Dated: June 19, 2014.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–14739 Filed 6–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of Health Assessment and Translation Webinar on Lessons Learned in Application of the OHAT Framework for Systematic Review and Evidence Integration to Case Studies; Notice of Public Webinar and Registration Information

SUMMARY: The National Toxicology Program (NTP) announces a public webinar, ''Lessons Learned in Application of the Office of Health Assessment and Translation (OHAT) Framework for Systematic Review and

Evidence Integration to Case Studies.'' The OHAT, Division of the National Toxicology Program (DNTP), National Institute of Environmental Health Sciences (NIEHS) will host the web-based meeting and the public can register to participate at *http://ntp.niehs.nih.gov/go/41629.*

DATES:

Webinar: July 31, 2014, 12:30 p.m. to approximately 3:30 p.m. Eastern Daylight Time (EDT).

Registration for Webinar: June 17, 2014 through July 28, 2014.

ADDRESSES: *Webinar Web page: http://ntp.niehs.nih.gov/go/41629.*

FOR FURTHER INFORMATION CONTACT: Dr. Andrew Rooney, Deputy Director, OHAT, Division of NTP, NIEHS, P.O. Box 12233, K2–04, Research Triangle Park, NC 27709. Phone: 919–541–2999, Fax: 301–480–3299, Email: *Andrew.Rooney@nih.gov.* Hand Delivery/Courier: 530 Davis Drive, Room K2154, Morrisville, NC 27560.

SUPPLEMENTARY INFORMATION:

Background: The OHAT has developed a systematic review framework, the OHAT Approach, to address environmental health questions by extending approaches developed for clinical medicine to address the greater range of data relevant to environmental health sciences (e.g., human, animal, and mechanistic studies) (available at *http://ntp.niehs.nih.gov/go/38673*). The OHAT adapted guidance from authorities on systematic review and sought advice during development of the OHAT Approach through consultation with technical experts in systematic review and human health assessment as well as scientific advisory groups and the public.

The approach includes seven steps that provide a framework for incorporating systematic review and evidence integration into NTP literature-based, non-cancer health assessments. The framework, released as the Draft OHAT Approach in February 2013 and published in April 2014 (*http://ehp.niehs.nih.gov/1307972/*), was assessed and refined through application of the procedures to case-study evaluations. The OHAT applied the approach to two case studies: (1) An evaluation of the association of bisphenol A (BPA) exposure with obesity and (2) an evaluation of the association of perfluorooctanoic acid (PFOA) or perfluorooctane sulfonate (PFOS) exposure with immunotoxicity.

The purpose of this webinar is to present lessons learned during the case-study process. The meeting will be conducted in a presentation and discussion format. The first part of the webinar will consist of a series of topic or ''lesson'' focused presentations, followed by a short question-and-answer period. The second part of the webinar will be a general discussion period when the public can make brief comments on or ask questions about the application of the OHAT Approach to the case studies and lessons learned.

Webinar and Registration: The webinar is scheduled for July 31, 2014, 12:30 p.m. to 3:30 p.m. EDT and may end early if discussions are finished. Registration for the webinar is required and is open from June 17, 2014, through July 28, 2014, at *http://ntp.niehs.nih.gov/go/41629.* Registrants will receive instructions by email on accessing the webinar on or before July 28, 2014. Registrants are encouraged to access the Web site to stay abreast of current information about this event.

Public Participation: As noted above, the meeting format includes time after each lesson-presentation and during the general discussion session for the public to ask questions or make brief remarks. Individuals with disabilities who need accommodations to participate in this event should contact Dr. Andrew Rooney (See **FOR FURTHER INFORMATION CONTACT**). TTY users should contact the Federal TTY Relay Service at (800) 877–8330. Requests should be made at least 5 business days in advance of the web-based meeting.

Background Information on OHAT: The OHAT was established to serve as an environmental health resource to the public and regulatory and health agencies (*http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3094430*). This office conducts evaluations to assess the evidence that environmental chemicals, physical substances, or mixtures (collectively referred to as ''substances'') cause adverse health effects and provides opinions on whether these substances may be of concern given what is known about current human exposure levels. The OHAT also organizes workshops or state-of-the-science evaluations to address issues of importance in environmental health sciences. The OHAT assessments are published as NTP Monographs. Information about the OHAT is found at *http://ntp.niehs.nih.gov/go/ohat.*

Dated: June 17, 2014.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2014–14740 Filed 6–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Adverse Outcome Pathways: From Research to Regulation Workshop; Notice of Public Meeting and Registration Information

SUMMARY: The National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM) announces a workshop on ''Adverse Outcome Pathways: From Research to Regulation.'' The workshop proposes to initiate stakeholder interaction and collaboration to enhance scientific development of the Adverse Outcome Pathway (AOP) concept with the goal of improving regulatory assessment of chemical toxicity. Registration is requested for attendance and required to access the webcast. Information about the meeting and registration is available at *http://ntp.niehs.nih.gov/go/41374.*

DATES:

Meeting: September 3–5, 2014, from 8:30 a.m. to approximately 5:30 p.m. Eastern Daylight Time (EDT) on September 3 and 4 and from 9:00 a.m. to approximately 4:00 p.m. EDT on September 5. A poster session will be held on September 4 from 6:30 p.m. to 8:30 p.m.

Meeting Registration: Registration is open through August 15, 2014. Registration to view the plenary sessions of the workshop via webcast is required.

ADDRESSES:

Meeting Location: William H. Natcher Conference Center, National Institutes of Health, Bethesda, Maryland 20892.

Meeting Web page: The preliminary agenda, registration, and other meeting materials are at *http://ntp.niehs.nih.gov/go/41374.*

FOR FURTHER INFORMATION CONTACT: Dr. Warren S. Casey, Director, NICEATM; email: *warren.casey@nih.gov*; telephone: (919) 316–4729.

SUPPLEMENTARY INFORMATION:

Background: Traditional toxicology test methods expose multiple animals to test substances and observe adverse outcomes; these methods may not efficiently serve future scientific and regulatory needs. To improve the regulatory assessment of chemical toxicity, NICEATM is evaluating the use of AOPs, a conceptual framework relating toxic exposures to illness or injury in an individual or a population through specific molecular and cellular changes.

Through plenary presentations, case studies, and breakout sessions, the

workshop will engage stakeholders in how the scientific development of AOPs could enhance regulatory assessment of chemical toxicity. The workshop steering committee is comprised of members from government and nongovernment stakeholders including the NTP, Physicians Committee for Responsible Medicine, European Union Reference Laboratory for Alternatives to Animal Testing, Consumer Product Safety Commission, Dow Chemical Company, U.S. Environmental Protection Agency, U.S. Food and Drug Administration, Health and Environmental Sciences Institute, and Proctor & Gamble.

Meeting and Registration: This meeting is open to the public, free of charge, with attendance limited only by the space available. A preliminary agenda and additional information are available at *http://ntp.niehs.nih.gov/go/41374.* The plenary sessions of the workshop will be webcast. Registration is required to view the webcast; the URL for the webcast will be provided in an email prior to the meeting. Individuals who plan to attend in person should register at *http://ntp.niehs.nih.gov/go/41374* by August 15, 2014, to facilitate planning for the workshop. Individuals interested in this workshop are encouraged to visit the Web page to stay abreast of the most current information.

Information for visitors to the William H. Natcher Conference Center is available at *http://www.orf.od.nih.gov/AboutORF/BFM/Pages/45Beth.aspx.* Individuals with disabilities who need accommodation to participate in this event should contact Dr. Elizabeth Maull at phone: (919) 316–4668 or email: *maull@niehs.nih.gov.* TTY users should contact the Federal TTY Relay Service at (800) 877–8339. Requests should be made at least five business days in advance of the event.

Background Information on NICEATM: NICEATM conducts data analyses, workshops, independent validation studies, and other activities to assess new, revised, and alternative test methods and strategies. NICEATM also provides support for the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM). The ICCVAM Authorization Act of 2000 (42 U.S.C. 285*l*–3) provides authority for ICCVAM and NICEATM in the development and implementation of alternative test methods in regulatory safety testing. Information about NICEATM and ICCVAM is found at *http://ntp.niehs.nih.gov/go/niceatm* and *http://ntp.niehs.nih.gov/go/iccvam.*

Dated: June 17, 2014.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2014–14738 Filed 6–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Co-Location and Integration of HIV Prevention and Medical Care Into Behavioral Health Program—NEW

The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services, (CMHS), Center for Substance Abuse Prevention (CSAP), Center for Substance Abuse Treatment (CSAT) are requesting approval from the Office of Management and Budget (OMB) for new data collection activities associated with their Co-location and Integration of HIV Prevention and Medical Care into Behavioral Health Program. The program is designed to support integrated behavioral health and physical health services for racial/ethnic populations at high risk for behavioral health disorders and at high risk for contracting HIV.

This information collection is needed to provide SAMHSA with objective information to document the reach and impact of the Co-location and Integration of HIV Prevention and Medical Care into Behavioral Health program. The information will be used to monitor quality assurance and quality performance outcomes for organizations funded by this grant program. The information will also be used to assess the impact of services on behavioral health and physical health services for individuals served by this program.

Collection of the information included in this request is authorized by Section 505 of the Public Health Service Act (42 U.S.C. 290aa–4)—Data Collection. Further support for the program was provided in the 2013 Senate Appropriations Report 113–71. The report urged SAMHSA to ''focus its efforts on building capacity and outreach to individuals at risk or with a primary substance abuse disorder and to improve efforts to identify such individuals to prevent the spread of HIV.'' Additional support for this data collection effort is provided by the 2013 National HIV/AIDS Strategy which instructed SAMHSA to ''support and rigorously evaluate the development and implementation of new integrated behavioral health models to address the intersection of substance use, mental health, and HIV.''

The table below reflects the annualized hourly burden.

Instrument	Number of respondents	Number of responses per respondent	Total number of responses	Hours per response per respondent	Total burden hours
HIV/Hepatitis Testing Form	5,000	1	5,000	0.13	650
Co-Located and Integrated Care TRAC—Baseline					
Clients with HIV Receiving Integrated Medical Services	200	1	200	0.58	117
Individuals only Receiving Prevention Services	1,000	1	1,000	0.12	120
Co-Located and Integrated Care TRAC—Follow Up					
Clients with HIV Receiving Integrated Medical Services [2]	120	1	120	0.58	69.6

Instrument	Number of respondents	Number of responses per respondent	Total number of responses	Hours per response per respondent	Total burden hours
Co-Located and Integrated Care TRAC—Discharge					
Clients with HIV Receiving Integrated Medical Services—Interview with Client [3]	28	1	28	0.58	16.2
Clients with HIV Receiving Integrated Medical Services—Interview with Client—Client not available—Administrative Data Only [4]	42	1	42	0.33	13.9
Individuals only Receiving Prevention Services [5]	800	1	800	0.06	48
HIV Indicators—Baseline					
Clients with HIV Receiving Integrated Medical Services	200	1	200	0.33	66
HIV Indicators—Follow-Up					
Clients with HIV Receiving Integrated Medical Services	120	1	120	0.25	30
Annual Total	5,000		7,510		1,143

Written comments and recommendations concerning the proposed information collection should be sent by July 25, 2014 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2014–14792 Filed 6–24–14; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2011–0008]

Aviation Security Advisory Committee (ASAC) Meeting

AGENCY: Transportation Security Administration, DHS.

ACTION: Committee Management; Notice of Partially Closed Federal Advisory Committee Meeting.

SUMMARY: The Transportation Security Administration (TSA) will hold a meeting of the Aviation Security Advisory Committee (ASAC) on Friday, July 11, 2014, to discuss issues listed in the ''Meeting Agenda'' section below. This meeting will be partially closed to the public to protect transportation and national security.

DATES: The Committee will meet on Friday, July 11, 2014, from 9:00 a.m. to 1:00 p.m. The open portion of the meeting will start at 11:00 a.m. This meeting may end early if all business is completed.

ADDRESSES: The meeting will be held at the Transportation Security Administration Headquarters, 601 12th Street South, Arlington, VA 20598–4028.

We invite your comments on the items listed in the ''Meeting Agenda'' section below. You may submit comments on these items, identified by the TSA docket number to this action (Docket No. TSA–2011–0008), to the Federal Docket Management System (FDMS), a government-wide, electronic docket management system, using any one of the following methods:

Electronically: You may submit comments through the Federal eRulemaking portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail, In Person, or Fax: Address, hand-deliver, or fax your written comments to the Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; fax (202) 493–2251. The Department of Transportation (DOT), which maintains and processes the TSA's official regulatory dockets, will scan the submission and post it to FDMS.

For other applicable information on the meeting, comment submissions, facilities, or services, see the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Dean Walter, ASAC Designated Federal Officer, Transportation Security Administration (TSA–28), 601 South 12th Street, Arlington, VA 20598–6028, *Dean.Walter@dhs.gov,* 571–227–2645.

SUPPLEMENTARY INFORMATION:

Comments Invited

The Transportation Security Administration invites interested persons to participate in this action by submitting written comments, data, or views on the issues to be considered by the committee as listed in the ''Meeting Summary'' section below. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from the agenda items to be discussed at the meeting. See **ADDRESSES** above for information on where to submit comments.

With each comment, please identify the docket number at the beginning of your comments. The Transportation Security Administration encourages commenters to provide their names and addresses. The most helpful comments reference a specific portion of the document, explain the reason for any recommended change, and include supporting data. You may submit comments and material electronically, in person, by mail, or fax as provided under **ADDRESSES**, but please submit your comments and material by only one means. If you submit comments by mail or delivery, submit them in an unbound format, no larger than 8.5 by

11 inches, suitable for copying and electronic filing.

If you would like TSA to acknowledge receipt of comments submitted by mail, include with your comments a self-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

The Transportation Security Administration will file all comments to our docket address, as well as items sent to the address or email under **FOR FURTHER INFORMATION CONTACT**, in the public docket, except for comments containing confidential information and Sensitive Security Information (SSI).[1] Should you wish your personally identifiable information redacted prior to filing in the docket, please so state. TSA will consider all comments that are in the docket on or before the closing date for comments and will consider comments filed late to the extent practicable. All comments, however, will become part of the committee record. The docket is available for public inspection before and after the comment closing date. Submit comments by July 4, 2014, on issues listed in the ''Meeting Agenda'' section below.

Handling of Confidential or Proprietary Information and Sensitive Security Information Submitted in Public Comments

Do not submit comments that include trade secrets, confidential commercial or financial information, or SSI to the public regulatory docket. Please submit such comments separately from other comments on the action. Comments containing trade secrets, confidential commercial or financial information, or SSI should be appropriately marked as containing such information and submitted by mail to the address listed in **FOR FURTHER INFORMATION CONTACT** section.

The Transportation Security Administration will not place comments containing SSI in the public docket and will handle them in accordance with applicable safeguards and restrictions on access. TSA will hold documents containing SSI, confidential business information, or trade secrets in a separate file to which the public does not have access, and place a note in the public docket explaining that commenters have submitted such documents. TSA may include a redacted version of the comment in the public docket. If an individual requests to examine or copy information that is not in the public docket, TSA will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552) and DHS's Freedom of Information Act regulation found in 6 CFR part 5.

Reviewing Comments in the Docket

Please be aware that anyone is able to search the electronic form of all comments in any of our dockets by the name of the individual who submitted the comment (or signed the comment, if an association, business, labor union, etc., submitted the comment). You may review the applicable Privacy Act Statement published in the **Federal Register** on April 11, 2000 (65 FR 19477), or you may visit *http://DocketInfo.dot.gov.*

You may review TSA's electronic public docket on the Internet at *http://www.regulations.gov.* In addition, DOT's Docket Management Facility provides a physical facility, staff, equipment, and assistance to the public. To obtain assistance or to review comments in TSA's public docket, you may visit this facility between 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays, or call (202) 366–9826. This docket operations facility is located in the West Building Ground Floor, Room W12–140 at 1200 New Jersey Avenue SE., Washington, DC 20590.

Availability of Committee Documents

You can get an electronic copy using the Internet by—

(1) Searching the electronic Federal Docket Management System Web page at *http://www.regulations.gov;* or

(2) Accessing the Government Printing Office's Web page at *http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR* to view the daily published **Federal Register** edition; or accessing the ''Search the **Federal Register** by Citation'' in the ''Related Resources'' column on the left, if you need to do a Simple or Advanced search for information, such as a type of document that crosses multiple agencies or dates.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this action.

Summary

Notice of this meeting is given under sec. 10(a)(2) of the Federal Advisory Committee Act, (FACA), 5 U.S.C. App. (Pub. L. 92–463). The Aviation Security Advisory Committee operates under the authority of 6 U.S.C. 451 and provides advice and recommendations for improving aviation security measures to the Administrator of TSA.

For the closed portion of the meeting, the ASAC will receive a SSI briefing on threat intelligence related to aviation. The second portion of the meeting will be open to the public and will focus on items listed in the ''Meeting Agenda'' section below. Members of the public and all non-ASAC members and staff must register in advance with their full name to attend. Due to space constraints the meeting is limited to 75 people, including ASAC members and staff, on a first to register basis. Attendees are required to present a government-issued photo identification to verify identity.

In addition, members of the public must make advance arrangements, as stated below, to present oral or written statements specifically addressing issues pertaining to the items listed in the ''Meeting Agenda'' section below. The public comment period will be held during the meeting from approximately 12:30 p.m. to 1:00 p.m., depending on the meeting progress. Speakers are requested to limit their comments to three minutes. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than July 4, 2014, to register to attend the meeting and/or to present oral or written statements on the reports being considered by the committee at the meeting. Anyone in need of assistance or a reasonable accommodation for the meeting should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Basis for Closure

In accordance with sec. 10(d) of the Federal Advisory Committee Act (FACA), it has been determined that this meeting requires partial closure. The meeting will be closed to the public in accordance with the provisions set forth under 5 U.S.C. 552b(c)(3), 552b(c)(7)(E)–(F) and 552b(c)(9)(B), as amended.

The Transportation Security Administration will be providing a SSI briefing to the ASAC on threat intelligence related to aviation. Specifically, there will be material presented regarding the latest viable threats against U.S. aviation security and how the TSA plans to address those threats using a risk-based security framework. Further, providing this information to the public could provide terrorists with a road map regarding TSA's and DHS's plans to counter their actions, and thus allow them to take different actions to avoid counterterrorism measures. Under 5

[1] ''Sensitive Security Information'' or ''SSI'' is information obtained or developed in the conduct of security activities, the disclosure of which would constitute an unwarranted invasion of privacy, reveal trade secrets or privileged or confidential information, or be detrimental to the security of transportation. The protection of SSI is governed by 49 CFR part 1520.

U.S.C. 552b(c)(7)(E)–(F), disclosure of this information could reveal investigative techniques and procedures not generally available to the public, allowing those with interests against the United States to circumvent the law, thereby endangering the life or physical safety of law enforcement personnel. Additionally, premature disclosure of this information would be likely to significantly frustrate the successful implementation of measures designed to counter terrorist acts. See 5 U.S.C. 552b(c)(9)(B).

The briefing will include Sensitive Security Information (SSI, as that term is defined under 49 U.S.C. 114 (r) and 49 CFR part 1520). Sensitive Security Information includes information that would be detrimental to the security of transportation, and may not be disclosed to the general public. Accordingly, this portion of the meeting is closed under 5 U.S.C. 552b(c)(3).

Partial closure of the July 11, 2014, ASAC meeting is warranted under 5 U.S.C. 552b(c)(3), (c)(7)(E)–(F) and (c)(9)(B).

Meeting Agenda

The Committee will meet to discuss items listed in the agenda below (documents are available in the Supporting Documents section at *http://www.regulations.gov/#!docketDetail;D=TSA-2011-0008*):

- Aviation threat briefing (Closed).
- Approval of committee by-laws (Open).
- Update on implementation status of recommendations from last term (Open).
- General discussion on committee priorities, such as: (Open).
  - Risk-Based Security.
  - Airport perimeter security.
  - International Aviation.
  - General Aviation.
- Subcommittee formation (Open).
- Future committee meetings (Open).

Dated: June 19, 2014.

Eddie D. Mayenschein,

Assistant Administrator, Security Policy and Industry Engagement.

[FR Doc. 2014–14857 Filed 6–24–14; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Modification of National Customs Automation Program Test Concerning Automated Commercial Environment Document Image System

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces U.S. Customs and Border Protection's (CBP's) plan to modify the National Customs Automation Program (NCAP) test concerning document imaging, known as the Document Image System (DIS) test. The DIS test allows Automated Commercial Environment (ACE) participants to submit electronic images of a specific set of CBP and Partner Government Agency (PGA) forms and supporting information to CBP via a CBP- approved Electronic Data Interchange (EDI). The third phase of the DIS test expands the eligible forms supported by the test. This notice provides DIS test details including commencement date for the third phase, eligibility, procedural and documentation requirements, and test development and evaluation methods.

DATES: The modified DIS test will commence no earlier than July 10, 2014, and will continue until concluded by way of announcement in the **Federal Register**.

ADDRESSES: Comments concerning this notice and any aspect of the test may be submitted at any time during the test via email to Monica Crockett at *monica.crockett@dhs.gov.* In the subject line of your email, please indicate ''*Comment on Document Image System (DIS)''.*

FOR FURTHER INFORMATION CONTACT: For policy-related questions, contact Monica Crockett at *monica.v.crockett@cbp.dhs.gov.* For technical questions related to ABI transmissions, contact your assigned client representative. Any partner government agency (PGA) interested in participating in DIS should contact John Kyranos at *john.g.kyranos@cbp.dhs.gov.* Interested parties without an assigned client representative should direct their questions to Lori Kwiatkowski at *lori.kwiatkowski@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

On April 6, 2012, U.S. Customs and Border Protection (CBP) published in the **Federal Register** a notice announcing a National Customs Automation Program (NCAP) test called the Document Image System (DIS) test. *See* 77 FR 20835. The DIS test allows Automated Commercial Environment (ACE) participants to submit electronic images of a specific set of CBP and Partner Government Agency (PGA) forms and supporting information to CBP. Specifically, importers and brokers are allowed to submit specified official CBP documents and specified PGA forms via a CBP-approved Electronic Data Interchange (EDI) (please see *Section V,* ''*Technical Specifications'',* below for details).

On July 23, 2013, CBP published a subsequent notice announcing modifications to both the DIS NCAP test as well as the Simplified Entry test. *See* 78 FR 44142. On August 29, 2013, CBP published a notice correcting an error in the description of Animal and Plant Health Inspection Service (APHIS) document PPQ Form 586. *See* 78 FR 53466. The Simplified Entry test has been renamed as the ACE Cargo Release test. *See* 78 FR 66039 (November 4, 2013).

The NCAP was established in Subtitle B of Title VI—Customs Modernization, in the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057, 2170, December 8, 1993) (Customs Modernization Act). *See* 19 U.S.C. 1411. Through NCAP, the initial thrust of customs modernization was on trade compliance and the development of ACE, the planned successor to the Automated Commercial System (ACS). ACE is an automated and electronic system for commercial trade processing which is intended to streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for CBP and all of its communities of interest. The ability to meet these objectives depends on successfully modernizing CBP's business functions and the information technology that supports those functions. CBP's modernization efforts are accomplished through phased releases of ACE component functionality designed to introduce new functionality or to replace a specific legacy ACS function. Each release will begin with a test and will end with mandatory compliance with the new ACE feature, thus retiring the legacy ACS function. Each release builds on previous releases and sets the foundation for subsequent releases.

For the convenience of the public, a chronological listing of **Federal Register** publications detailing ACE test developments in Entry, Summary, Accounts and Revenue (ESAR) is set forth below in *Section VI,* entitled, ''*Development of ACE Prototypes''.* The eligibility criteria, procedures, terms, conditions and rules set forth in the previous DIS notices remain in effect unless otherwise explicitly changed by this or subsequent notices published in the **Federal Register**.

Authorization for the Test

The Customs Modernization provisions in the North American Free Trade Agreement Implementation Act provide the Commissioner of CBP with authority to conduct limited test programs or procedures designed to evaluate planned components of the NCAP. This test is authorized pursuant to § 101.9(b) of the CBP Regulations (19 CFR 101.9(b)) which provides for the testing of NCAP programs or procedures. *See* Treasury Decision (T.D.) 95–21.

Document Image System (DIS) Test Program

This notice announces Phase Three of the Document Image System test. Under the DIS test, parties who file entry summaries in ACE are allowed to submit specified CBP and PGA documents via a CBP-approved EDI. DIS capabilities will continue to be delivered in multiple phases.

The first phase of the DIS test enabled participating importers and brokers to transmit images of specified CBP and PGA forms with supporting information via a CBP approved EDI in an Extensible Markup Language (XML) format, in lieu of conventional paper methods. *See* 77 FR 20835 (April 6, 2012). In Phase Two, CBP reduced the number of metadata elements required for each document and specified forms that were eligible to be submitted earlier, i.e. at the time of manifest, or transmitted via a CBP-approved EDI to support ACE Cargo Release filings (previously known as Simplified Entry filings). Additionally, the pool of eligible participants was expanded to include software providers merely electronically transmitting data received for transmission to CBP. *See* 78 FR 44142 (July 23, 2013). In Phase Three, CBP is adding to the list of documents supported by the DIS test.

Test Participation

I. Eligibility Requirements

In Phase One of the DIS test, participation was limited to importers or brokers who are ACE entry summary filers. Phase Two of the DIS test expanded the eligible participant pool to include software providers merely electronically transmitting data received for transmission to CBP. The Phase Two eligibility expansion does not apply to the ACE Cargo Release test. Only the participants previously selected for the ACE Cargo Release test are eligible to transmit through DIS documents in support of ACE Cargo Release filings. *See* 78 FR 44142 (July 23, 2013) for additional information and specific eligibility criteria.

As announced in this notice, Phase Three of the DIS test expands upon the CBP and PGA forms that may now be submitted as part of the DIS test. All other eligibility criteria as specified in prior DIS test notices remain the same.

II. Rules for Submitting Images in Document Image System (DIS)

The following rules will apply to all participants involved in the DIS testing process:

- In Phase Two of the DIS test, CBP indicated two categories of documents for transmission through DIS: (1) Documents that require a request from CBP or the PGA prior to the transmission; and (2) documents that may be transmitted without prior request. Beginning with Phase Three, the rules for submitting images through DIS are updated as follows: (1) If the document(s) transmitted is required to obtain release, including certified from ACE entry summary, the document(s) may be transmitted without a prior request from CBP or the PGA; and (2) if the document(s) is transmitted in support of entry summary pursuant to a prior request from CBP or the PGA, it will be accepted (if an entry summary document is submitted that has not been requested by CBP or a PGA, CBP will not acknowledge the submission but may separately request the document).
- The filer may only file documents that CBP can accept electronically (see documents supported in *Section III* below). If CBP cannot accept the information electronically, the filer must file the information by paper.
- Original documents transmitted via this test must be retained and made available, if requested by CBP or a PGA.

III. Documents Supported in the Third Phase of the Test

The documents supported in the first and second phases of the DIS test continue to be supported. In addition, upon commencement of Phase Three of the DIS test, the following PGA forms and documents will also be supported:

- Animal and Plant Health Inspection Service (APHIS) *STAT* Supporting Statement (i.e., a letter on company letterhead that provides a statement from the producer/manufacturer certifying that conditions for the import of the specified merchandise have been met).
- Center for Disease Control and Prevention (CDC) Form 0728, *Permit to Import or Transfer Etiological Agents or Vectors of Human Disease* (**Note:** this is an updated version of the same form announced in Phase Two of the DIS test).
- Foreign Government Sanitary Certificate (Veterinary Health Certificate) (used by APHIS or other PGA).
- National Highway Traffic Safety Administration (NHTSA) Form HS–7, *Declaration* (including supporting documents as specified by the form).
- NHTSA HS–474, *Bond to Ensure Conformance with Motor Vehicle Safety and Bumper Standards*.
- Pro-Forma Invoice (used by CBP).

Complete List of DIS Test Supported Documents (Phases One, Two, and Three)

- Animal and Plant Health Inspection Service (APHIS) *STAT* Supporting Statement.
- APHIS *Import Permit*.
- APHIS Plant Protection and Quarantine (PPQ) Form 368, *Notice of Arrival* (of a restricted article at the port of entry).
- APHIS PPQ Form 203, *Foreign Site Certificate of Inspection and/or Treatment*.
- APHIS PPQ Form 586, *Permit To Transit Plants and/or Plant Products, Plant Pests, and/or Associated Soil through the United States*.
- APHIS PPQ Form 587, *Permit to Import Plants or Plant Products*.
- APHIS *Transit Permit*.
- Foreign Government Sanitary Certificate (Veterinary Health Certificate) (used by APHIS or other PGA).
- Ingredients List (used by APHIS or other PGA).
- Phytosanitary Certificates (used by APHIS or other PGA).
- Proof of origin (for origin shipments of milk and milk products) (used by APHIS or other PGA).
- Center for Disease Control and Prevention (CDC) *Importation Permission Letter*.
- CDC *Permit Exemption Letter*.
- CDC Form 0728, *Permit to Import or Transfer Etiological Agents or Vectors of Human Disease*.
- CBP Form 3229, *Certificate of Origin*.
- CBP Form 3299, *Declaration for Free Entry of Unaccompanied Articles*.
- CBP Form 4455, *Certificate of Registration*.
- CBP Form 4457, *Certificate of Registration for Personal Effects Taken Abroad*.
- Commercial Invoice (used by CBP).
- Invoice Working Sheet(s) (used by CBP).
- Other documents to support CBP Form 3461, *Entry/Immediate Delivery (used by CBP for ACE Cargo Release*)*.
- Packing List (used by CBP).

• Passport, Driver's License, or Government Issued ID (used by CBP for ACE Cargo Release*).
• Permit (used by CBP for ACE Cargo Release*).
• Pro-Forma Invoice (used by CBP).
• Vehicle Title, Certificate (used by CBP for ACE Cargo Release*).
• Defense Contract Management Agency (DCMA) *Certificate of Duty Free Entry*.
• Environmental Protection Agency (EPA) Form 3520–1, *Importation of Motor Vehicles and Engines (on road)*.
• EPA Form 3520–21, *Importation of Motor Vehicles and Engines (off road)*.
• EPA Form 3540–1, *Notice of Arrival of Pesticides and Devices*.
• EPA *Pesticide Label*.
• EPA *Pre-approved Vehicle/Engine Exemption Letter*.
• Food Safety and Inspection Service (FSIS) Form 9010–1, *Application for the Return of Exported Products to the United States*.
• FSIS Form 9060–5, *Meat and Poultry Export Certificate of Wholesomeness*.
• FSIS Form 9540–4, *Shipper Notification—Importation of Undenatured Inedible Meat Product*.
• FSIS Form 9540–5, *Notification of Intent* (to import meat, poultry, or egg products or ''Samples for Laboratory Examination, Research, Evaluative Testing or Trade Show Exhibition'').
• National Highway Traffic Safety Administration (NHTSA) HS–7, *Declaration*.
• NHTSA HS–474, *Bond to Ensure Conformance with Motor Vehicle Safety and Bumper Standards*.
• National Oceanic and Atmospheric Administration (NOAA) Form 370, *Fisheries Certificate of Origin*.
• NOAA *Toothfish Pre-Approval*.
• Toxic Substances Control Act (TSCA) *Import Certification Form*.

* This form may ONLY be submitted by ACE Cargo Release Test participants previously selected by CBP.

Please be advised that the DIS test is limited to the above referenced CBP and PGA forms. Other forms may be referenced in the DIS Implementation Guidelines, but such forms are not currently eligible for the present DIS test. As additional forms become eligible they will be announced via publication in the **Federal Register**.

IV. Recordkeeping

Any form or document submitted via DIS is an electronic copy of an original document that is subject to the recordkeeping requirements of 19 CFR Part 163. Every form or document transmitted through DIS must be a complete, accurate and unaltered copy of the original document.

V. Technical Specifications

In Phase Two, the DIS test reduced the number of metadata elements required for each document to only those necessary to identify the transmitter, the document preparer, the CBP request (if applicable), the document and description, and associated transaction. Documents must be submitted in an XML format via Secure File Transfer Protocol (FTP), Secure Web Services, or existing EDI ABI MQ interfaces. All responses back to test participants will also be sent in the form of an XML message. Additional information pertaining to technical specifications (*see* DIS Implementation Guidelines) can be accessed on CBP.gov at the following link: *http://www.cbp.gov/document/forms/dis-implementation-guide*

VI. Development of ACE Prototypes

A chronological listing of **Federal Register** publications detailing Entry Summary Accounts and Revenue (ESAR) ACE test developments is set forth below.

• ACE Portal Accounts and Subsequent Revision Notices: 67 FR 21800 (May 1, 2002); 70 FR 5199 (February 1, 2005); 69 FR 5360 and 69 FR 5362 (February 4, 2004); 69 FR 54302 (September 8, 2004).
• ACE System of Records Notice: 71 FR 3109 (January 19, 2006).
• Terms/Conditions for Access to the ACE Portal and Subsequent Revisions: 72 FR 27632 (May 16, 2007); 73 FR 38464 (July 7, 2008).
• ACE Non-Portal Accounts and Related Notice: 70 FR 61466 (October 24, 2005); 71 FR 15756 (March 29, 2006).
• ACE Entry Summary, Accounts and Revenue (ESAR I) Capabilities: 72 FR 59105 (October 18, 2007).
• ACE Entry Summary, Accounts and Revenue (ESAR II) Capabilities: 73 FR 50337 (August 26, 2008); 74 FR 9826 (March 6, 2009).
• ACE Entry Summary, Accounts and Revenue (ESAR III) Capabilities: 74 FR 69129 (December 30, 2009).
• ACE Entry Summary, Accounts and Revenue (ESAR IV) Capabilities: 76 FR 37136 (June 24, 2011).
• Post-Entry Amendment (PEA) Processing Test: 76 FR 37136 (June 24, 2011).
• ACE Announcement of a New Start Date for the National Customs Automation Program Test of Automated Manifest Capabilities for Ocean and Rail Carriers: 76 FR 42721 (July 19, 2011).
• ACE Simplified Entry: 76 FR 69755 (November 9, 2011).
• National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS): 77 FR 20835 (April 6, 2012).
• National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Simplified Entry: Modification of Participant Selection Criteria and Application Process: 77 FR 48527 (August 14, 2012).
• Modification of NCAP Test Regarding Reconciliation for Filing Certain Post-Importation Preferential Tariff Treatment Claims under Certain FTAs: 78 FR 27984 (May 13, 2013).
• Modification of Two National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS) and Simplified Entry (SE): 78 FR 44142 (July 23, 2013).
• Modification of Two National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS) and Simplified Entry (SE); Correction: 78 FR 53466 (August 29, 2013).
• Modification of NCAP Test Concerning Automated Commercial Environment (ACE) Cargo Release (formerly known as Simplified Entry): 78 FR 66039 (November 4, 2013).
• Post-Summary Corrections to Entry Summaries Filed in ACE Pursuant to the ESAR IV Test: Modifications and Clarifications: 78 FR 69434 (November 19, 2013).
• National Customs Automation Program (NCAP) Test Concerning the Submission of Certain Data Required by the Environmental Protection Agency and the Food Safety and Inspection Service Using the Partner Government Agency Message Set Through the Automated Commercial Environment (ACE): 78 FR 75931 (December 13, 2013).
• Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release for Ocean and Rail Carriers: 79 FR 6210 (February 3, 2014).
• Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release to Allow Importers and Brokers to Certify From ACE Entry Summary: 79 FR 24744 (May 1, 2014).
• Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release for Truck Carriers: 79 FR 25142 (May 2, 2014).

Dated: June 20, 2014.

Sandra L. Bell,

Acting Assistant Commissioner, Office of International Trade.

[FR Doc. 2014–14874 Filed 6–24–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5758–N–09]

60-Day Notice of Proposed Information Collection: Evaluation of the Rental Assistance Demonstration Program, Phase I

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice of proposed information collection.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* August 25, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Evaluation of the Rental Assistance Demonstration Program, Phase I.

OMB Approval Number: N/A.

Type of Request: New.

Form Number: N/A.

Description of the need for the information and proposed use: The Rental Assistance Demonstration program (RAD) was established in 2012 to stem the loss of public housing units and other subsidized housing arising from a backlog of capital needs. The program helps to convert at-risk public housing properties to two different forms of project-based Section 8 Housing Assistance Payments (HAP) contracts—either project-based voucher (PBV) or project-based rental assistance (PBRA)—giving public housing authorities (PHAs) more flexibility to access private and public funding sources, easing their reliance on unpredictable appropriations. The RAD authorizing statute requires HUD to assess the impact of the program on: (1) The preservation and improvement of former public housing units, (2) the amount of private capital leveraged as a result of such conversions, and (3) the effect of conversion on residents. The evaluation is designed to examine the resources available to improve the physical conditions of a public housing property, what new opportunities RAD creates for PHAs to improve public housing physical conditions, and how it helps PHAs preserve those units over the long term. To examine whether the stated HUD and PHA objectives are achieved, HUD will be collecting quantitative and qualitative data from primary and secondary sources and analyzing data related to the following: (1) The physical and financial conditions of 24 RAD properties selected for the study and 48 non-RAD properties selected for comparison; (2) the implementation of the program, including the capital needs and amount of private funding leveraged; and (3) the experience with, and effect on, residents.

At this time, funding is available to fund only the first two components of the evaluation, thus, this request for OMB clearance only covers the ''first phase'' of the evaluation—(1) an assessment of the baseline conditions of RAD properties chosen for study and the baseline conditions of the comparison non-RAD properties, and (2) an assessment of the initial RAD financing, and the implementation phase of the RAD program. The request also includes a tracking form for the resident study that will be completed as a second phase of the evaluation, should funding be made available.

Respondents: PHAs and PHA tenants.

Form	Respondent sample	Number of respondents	Average time to complete (minimum, maximum) in minutes	Frequency	Total burden (hours)
Physical and Financial Conditions Survey Implementation Survey Resident Intake Study Correspondence and Intake Form.	PHAs (n=72 PHAs; 24 PHAs implementing RAD, 48 PHAs not implementing RAD PHAs, stakeholder, implementation consultants, project managers (n=100) Tenants of RAD PHAs (n=400).	72	60 (50–70)	1	72
Implementation Survey	PHAs, stakeholder, implementation consultants, project managers (n=100).	199	60 (50–70)	1	100
Resident Intake Study Correspondence and Intake Form.	Tenants of RAD PHAs (n=400)	400	10 (8–12)	1	67
Total Burden Hours					239

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: June 18, 2014.

Katherine M. O'Regan,

Assistant Secretary, Office of Policy Development and Research.

[FR Doc. 2014–14840 Filed 6–24–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5756–N–24]

60-Day Notice of Proposed Information Collection: Use Restriction Agreement Monitoring and Compliance

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* August 25, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Harry Messner, Office of Asset Management, Policy and Participation Standards Division, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone number (202) 402–2626. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Use Restriction Agreement Monitoring and Compliance.

OMB Approval Number: 2502–0577.

Type of Request: Revision or extension of currently approved collection.

Form Number: (HUD–90060, HUD–90061, HUD–90065, HUD–90066, HUD–93140, HUD–93142, HUD–93143, HUD–93144, HUD–90067, HUD–90068, HUD–90069, HUD–90070, HUD–93150, HUD–93155, HUD–90075).

Description of the need for the information and proposed use: This information is necessary for HUD to ensure that owners of certain multifamily housing projects comply with use restriction requirements once the mortgage agreement is terminated. This information is also used to monitor owner compliance with the Use Restriction Agreement provisions.

Respondents: Non-profit institutions.

Estimated Number of Respondents: 848.

Estimated Number of Responses: 848.

Frequency of Response: 1.

Average Hours per Response: 2.

Total Estimated Burdens: 1,696.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: June 19, 2014.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing—Associate Deputy Federal Housing Commissioner.

[FR Doc. 2014–14838 Filed 6–24–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2013–N278; FXES11130200000C2–112–FF02ENEH00]

Endangered and Threatened Wildlife and Plants; Texas Ayenia Draft Recovery Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of our draft recovery plan for the Texas ayenia (also referred to as the Tamaulipan kidneypetal), which is listed as endangered under the Endangered Species Act of 1973, as amended (Act). This plant species is currently found in southern Texas and in northern Mexico. The draft recovery plan includes specific recovery objectives and criteria to be met in order to enable us to remove this species from the list of endangered and threatened wildlife and plants. We request review and comment on this plan from local, State, and Federal agencies; Tribes; and the public. We will also accept any new

information on the status of the Texas ayenia throughout its range to assist in finalizing the recovery plan.

DATES: To ensure consideration, we must receive written comments on or before August 25, 2014. However, we will accept information about any species at any time.

ADDRESSES: If you wish to review the draft recovery plan, you may obtain a copy by any one of the following methods:

Internet: Go to *http://www.fws.gov/southwest/es/ElectronicLibrary_ListDocs.cfm* and download the following file: Texas Ayenia_Draft_Recovery_Plan _Dec_2013.pdf;

U.S. mail: U.S. Fish and Wildlife Service, 6300 Ocean Drive, USFWS Unit 5837, Corpus Christi, TX 78412–5837; or

Telephone: (361) 994–9005.

If you wish to comment on the draft recovery plan, you may submit your comments in writing by any one of the following methods:

- *U.S. mail:* Field Supervisor, at the above address;
- *Hand-delivery:* Texas Coastal Ecological Services Office, at the above address;
- *Fax:* (361) 994–8262; or
- *Email: chris_best@fws.gov.*

For additional information about submitting comments, see the ''Request for Public Comments'' section below.

FOR FURTHER INFORMATION CONTACT: Chris Best, State Botanist, at the above address and phone number, or by email at *chris_best@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program and the Act (16 U.S.C. 1531 et seq.). Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the Act. The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species.

Species History

Texas ayenia (*Ayenia limitaris*), found in semi-arid, subtropical Tamaulipan shrublands of south Texas and northeast Mexico, was federally listed as endangered on August 24, 1994 (effective date September 23, 1994). The plant was listed throughout its range, including southern Texas and northeastern Mexico. However, Texas ayenia is not listed under Mexican protected species regulations by the Secretaría de Medio Ambiente y Recursos Naturales (SEMARNAT; the Mexican government equivalent to the U.S. Fish and Wildlife Service). The United States Federal listing established a Recovery Priority Number (RPN) of 5, and did not designate critical habitat. The USFWS's 2010 5-year review for this plant revised the RPN to 8C and recommended adopting ''Tamaulipan kidneypetal'' as a more appropriate common name.

Texas ayenia is a spineless sub-shrub that ranges from 0.3 meters (1 foot) to 2 meters (6.6 feet) tall. Flowers are cream-colored with 5 petals; alternate leaves are soft and heart-shaped, with minute hairs and toothed margins; and older, woody stems are reddish-brown, up to 2 centimeters (0.8 inches) thick, and dotted with small, cream-colored bumps, or lenticels. Flowering follows a bimodal pattern (spring to early summer and fall), which coincides with regional rainfall patterns. Although the reproduction biology is unknown, Texas ayenia probably requires outcrossing through insect pollination. The species responds well to propagation, and a few pilot reintroductions have become successfully established. Propagated plants that are isolated from natural populations reproduce successfully, indicating that pollination vectors are present.

Occupied habitats are isolated fragments of woodlands and shrublands in the watersheds and deltas of rivers draining into the Gulf of Mexico. Wild populations of Texas ayenia have been documented in a wide range of alluvial soil types, from fine sandy loam to heavy clay. The species grows under varying amounts of shade, in association with other shrub species, but are most vigorous and reproduce more successfully in sites that receive at least several hours of direct sunlight daily. The species' range appears to be restricted by increasing aridity further inland and by the prevalence of freezing weather further north and at higher elevations in the mountain ranges of northeast Mexico. However, the vegetation of the Tamaulipan region in Texas and northeast Mexico has been altered by poor rangeland management since the onset of European colonization in 1750. The distribution and abundance of Texas ayenia may have been impacted by increased woody plant cover and lack of wildfire, and its extant relict habitats might not be optimal. Introduced invasive grasses, particularly guineagrass, are abundant and highly competitive in the remaining occupied habitats.

Within the United States, Texas ayenia has been documented only within the three southernmost counties of Texas: Cameron, Hidalgo, and Willacy. Between 1888 and 1963, Texas ayenia was observed at seven sites in Cameron and Hidalgo Counties, Texas; however, the species has not been observed in these locations for more than 40 years and is presumed extirpated from these sites. Between 1992 and 2001, five extant populations were discovered in Cameron, Hidalgo, and Willacy Counties, Texas, and have been monitored periodically. Two of these sites are located on well-managed private land, one site is on a National Wildlife Refuge, one site is in a city park, and one site is on a State Park managed by Texas Parks and Wildlife Department. Four of these populations range from 100 to 200 individuals each, and the fifth site has at least 1,000 individuals.

In 2005, 9 extant populations, totaling at least 4,000 individuals, were documented and mapped in the *municipio* (similar to a county) of Soto la Marina, Tamaulipas, Mexico. An additional unconfirmed population of unknown size has been reported from the *municipio* of González, Tamaulipas. One population reported from Coahuila, Mexico, has apparently been extirpated. The species was also reported from Topia, Durango, in 1985, but it has not been observed there since then; its status is unknown, and it is also possible that the identification or site location may be in error. Given that about 99 percent of the potential range of Texas ayenia occurs in Mexico, with many of the known populations occurring on privately owned lands and *ejido* (community-owned) lands, successful recovery of the species will depend on significant voluntary involvement and collaboration of private landowners and *ejidos* in Mexico.

The single greatest threat to Texas ayenia is the loss of habitat to agricultural and urban development. In the Rio Grande delta of Texas and Tamaulipas, as little as 1 percent of the original habitat remains intact (USFWS 2010; Jarsdoerfer and Leslie, Jr. 1988). Fragmentation and isolation of remaining suitable areas may prevent gene flow among populations and lead to a depletion of genetic diversity. Introduced invasive grasses, particularly guineagrass, compete directly with Texas ayenia, severely limiting its growth and reproduction, and may contribute to the extirpation of populations. Oil and gas exploration

and extraction continues at a rapid pace throughout much of south Texas and northeast Mexico, and an ever-increasing proportion of the land has or will be cleared for drilling platforms, pipelines, access roads, and related infrastructure. In addition to the direct loss of populations and habitat through land clearing, these operations will increase the fragmentation of habitat and will create new colonization pathways for invasive grasses. Texas ayenia populations on private lands are particularly vulnerable, since the Act does not protect endangered plants on private lands unless there is another form of prevailing Federal nexus, such as a federally funded program or regulated action. Texas ayenia is restricted to warm regions of higher rainfall within its range along the Gulf of Mexico, indicating that it is susceptible to sub-zero temperatures and drought. At this time, we do not know how past climate changes have affected Texas ayenia populations and distribution, nor can we predict how future climate changes, forecast by a range of models, will affect the ecology of the species and its habitat. For example, a reduced amount or frequency of rainfall could reduce the species' range, while a decreased incidence of freezing could expand its range. However, it is possible that threats induced by climate changes may arise in the future.

The strategy for recovery of Texas ayenia consists of: Protection, conservation, monitoring, and improved management of extant populations in the United States and Mexico; coordination and collaboration with government agencies, academic institutions, and nongovernmental conservation organizations in both the United States and Mexico; outreach, collaboration, and support for conservation-minded private landowners and *ejidos* in the United States and in Mexico; and habitat restoration and population augmentation and reintroduction to attain the number and size of populations necessary to assure the continued survival of the species, and to establish ecological corridors necessary for gene flow between and among populations.

Recovery Plan Goals

The objective of an agency recovery plan is to provide a framework for the recovery of a species so that protection under the Act is no longer necessary. A recovery plan includes scientific information about the species and provides criteria and actions necessary for us to be able to reclassify the species to threatened status or remove it from the List. Recovery plans help guide our recovery efforts by describing actions we consider necessary for the species' conservation, and by estimating time and costs for implementing needed recovery measures. To achieve its goals, this draft recovery plan identifies the following objectives:

- Mitigate habitat loss and degradation, invasive species competition, poor rangeland management, and other threats to the continued survival of Texas ayenia, based on partnerships, outreach, and application of scientific investigations and adaptive management.
- Conserve, restore, and manage appropriately the quantity and quality of habitat needed for the continued survival of Texas ayenia, including native vegetation restoration and creation of functioning ecological corridors.
- Conserve, protect, and restore populations of Texas ayenia needed for its continued survival. Monitored populations must be self-sustaining, of sufficient size to endure climatic variation and stochastic events, and of sufficient number to endure catastrophic losses, and must represent the full range of the species' geographic and genetic variability.

The draft recovery plan contains recovery criteria based on maintaining and increasing population numbers and habitat quality and quantity and mitigating significant threats to the species. The draft recovery plan focuses on protecting populations, managing threats, maintaining habitat, monitoring progress, and building partnerships to facilitate recovery. When the recovery of Texas ayenia approaches these criteria, we will review the species' status and consider downlisting, and, ultimately, removal from the list of federally threatened and endangered species.

Request for Public Comments

Section 4(f) of the Act requires us to provide public notice and an opportunity for public review and comment during recovery plan development. It is also our policy to request peer review of recovery plans (July 1, 1994; 59 FR 34270). In an appendix to the approved recovery plan, we will summarize and respond to the issues raised by the public and peer reviewers. Substantive comments may or may not result in changes to the recovery plan; comments regarding recovery plan implementation will be forwarded as appropriate to Federal or other entities so that they can be taken into account during the course of implementing recovery actions. Responses to individual commenters will not be provided, but we will provide a summary of how we addressed substantive comments in an appendix to the approved recovery plan.

We invite written comments on the draft recovery plan. In particular, we are interested in additional information regarding the current threats to the species and the costs associated with implementing the recommended recovery actions.

Before we approve our final recovery plan, we will consider all comments we receive by the date specified in **DATES** above. Methods of submitting comments are in the **ADDRESSES** section above.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials we receive will be available, by appointment, for public inspection during normal business hours at our office (see **ADDRESSES**).

References Cited

A complete list of all references cited herein is available upon request from the U.S. Fish and Wildlife Service, Branch of Recovery (see **FOR FURTHER INFORMATION CONTACT** section).

Authority

We developed our draft recovery plan under the authority of section 4(f) of the Act, 16 U.S.C. 1533(f). We publish this notice under section 4(f) Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

Dated: June 13, 2014.

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region, Fish and Wildlife Service.

[FR Doc. 2014–14812 Filed 6–24–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2014–NXXX; FXIA16710900000–145–FF09A30000]

Endangered Species; Marine Mammals; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species, marine mammals, or both. With some exceptions, the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) prohibit activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before July 25, 2014. We must receive requests for marine mammal permit public hearings, in writing, at the address shown in the **ADDRESSES** section by July 25, 2014.

ADDRESSES: Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken. Under the MMPA, you may request a hearing on any MMPA application received. If you request a hearing, give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Service Director.

III. Permit Applications

A. Endangered Species

Applicant: Louisiana State University Museum of Natural Science, Baton Rouge, LA; PRT–34712B

The applicant requests a permit to import biological samples from the Kaempfer's tody-tyrant (*Hemitriccus kaempferi*) for the purpose of scientific research.

Applicant: Rebecca Slepkov Nockerts, University of Minnesota; PRT–35365B

The applicant requests a permit to import bones from deceased wild chimpanzees (*Pan troglodytes*) as well as hairs of wild chimpanzees of Gombe National Park in Tanzania for the purpose of scientific research.

Applicant: Southwick's Zoo, Mendon, MA; PRT–32491B

The applicant requests a permit to import two male and five female captive-bred vicuna (*Vicuna vicuna*) for the purpose of enhancement of the survival of the species through captive propagation and zoological display.

Applicant: Mike Talka, Spring Branch, TX; PRT–088507

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Species

Dwarf crocodile (*Osteolaemus tetraspis tetraspis*)
Cuban crocodile (*Crocodylus rhombifer*)

Applicant: Sylvan Heights Waterfowl, Scotland Neck, NC; PRT–166119

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Species

White-naped crane (*Grus vipio*)
Red-crowned crane (*Grus japonensis*)
Black-necked crane (*Grus nigricollis*)
Hooded crane (*Grus monacha*)

Applicant: Louis Degregorio, Las Vegas, NV; PRT–37734B

The applicant requests a permit to import a sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa,

for the purpose of enhancement of the survival of the species.

B. Endangered Marine Mammals and Marine Mammals

Applicant: Renegade Pictures, London, England; PRT–38035B

The applicant requests a permit to photograph polar bears (*Ursus maritimus*) in the vicinity of Kaktovik, Alaska, from land-based vehicles and boats for commercial and educational purposes. This notification covers activities to be conducted by the applicant for less than a 1-year period.

Applicant: Yukon Route Productions, Pearl River, NY; PRT–35442B

The applicant requests a permit to photograph walrus (*Odobenus rosmarus*) in the vicinity of Barrow and Unalakleet, Alaska, from land-based vehicles and boats for commercial and educational purposes. This notification covers activities to be conducted by the applicant for less than a 1-year period.

Applicant: Poles D'Images, Abonne la Forte, France; PRT–38124B

The applicant requests a permit to photograph polar bears (*Ursus maritimus*) in the vicinity of Kaktovik and Barter Island, Alaska, from land-based vehicles and boats for commercial and educational purposes. This notification covers activities to be conducted by the applicant for less than a 1-year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2014–14882 Filed 6–24–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD.AADD001000.A0E501010.999900]

Renewal of Agency Information Collection for Homeliving Programs and School Closure and Consolidation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of submission to OMB.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Assistant Secretary—Indian Affairs is submitting to the Office of Management and Budget (OMB) a request for renewal for the collection of information for the Homeliving Programs (25 CFR 36, Subpart G) and School Closure and Consolidation. The information collection is currently authorized by OMB Control Number 1076–0164, which expires June 30, 2014.

DATES: Submit comments on or before August 25, 2014.

ADDRESSES: You may submit comments on the information collection to the Desk Officer for the Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or you may send an email to: *OIRA_Submission@omb.eop.gov.* Please send a copy of your comments to Juanita Mendoza, U.S. Department of the Interior, Bureau of Indian Education, 1849 C Street NW., Mail Stop 312—SIB, Washington, DC 20240; facsimile: (202) 208–3312; email: *Juanita.Mendoza@bie.edu.*

FOR FURTHER INFORMATION CONTACT: Juanita Mendoza, (202) 208–6123. You may review the information collection request online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

I. Abstract

Public Law 107–110, the No Child Left Behind (NCLB) Act of January 8, 2001, requires all schools including Bureau-funded boarding/residential schools to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging academic achievement standards and assessments. The NCLB Act and implementing regulations at 25 CFR part 36 require the Bureau to implement national standards for homeliving situations in all Bureau-funded residential schools. The Bureau must collect information from all Bureau-funded residential schools in order to assess each school's progress in meeting the national standards. The Bureau is seeking renewal of the approval for this information collection to ensure that minimum academic standards for the education of Indian children and criteria for dormitory situations in Bureau-operated schools and Tribally-controlled contact and grant schools are met.

II. Request for Comments

The Bureau of Indian Education (BIE) requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0164.

Title: Homeliving Programs (25 CFR 36, Subpart G) and School Closure and Consolidation.

Brief Description of Collection: Submission of this information allows the Department of the Interior to ensure that minimum academic standards for the education of Indian children and criteria for dormitory situations in Bureau-operated schools and Indian-controlled contract schools are met. Response is required to obtain a benefit.

Type of Review: Extension without change of currently approved collection.

Respondents: Indian tribes.

Number of Respondents: There are 65 schools with residential programs, of which 27 are Bureau-operated and 52 are tribally operated. Thus, the collection of information must be cleared for 52 of the 65 residential schools.

Total Number of Responses: 730 per year, on average.

Frequency of Response: Annual or on occasion, depending on the activity.

Estimated Time per Response: Ranges from 1 minute to 40 hours, depending on the activity.

Estimated Total Annual Hour Burden: 1,344 hours.

Estimated Total Annual Non-Hour Dollar Cost: $0.

Dated: June 19, 2014.

John Ashley,

Acting Assistant Director for Information Resources.

[FR Doc. 2014–14869 Filed 6–24–14; 8:45 am]

BILLING CODE 4310–6W–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5A211.IA000413]

Renewal of Agency Information Collection for Federal Acknowledgment of Indian Tribes

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Assistant Secretary—Indian Affairs is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for Federal Acknowledgment of Indian Tribes authorized by OMB Control Number 1076–0104. This information collection expires August 31, 2014.

DATES: Submit comments on or before August 25, 2014.

ADDRESSES: You may submit comments on the information collection to R. Lee Fleming, Director, Office of Federal Acknowledgment, Assistant Secretary—Indian Affairs, 1951 Constitution Avenue NW., MS–34B SIB, Washington, DC 20240; facsimile: (202) 219–3008; email: *Lee.Fleming@bia.gov*.

FOR FURTHER INFORMATION CONTACT: R. Lee Fleming, (202) 513–7650.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Assistant Secretary—Indian Affairs (''Assistant Secretary'') held listening sessions in July and August 2013 to receive feedback on ways to improve the Department's process for acknowledging an Indian tribe, as set forth in 25 CFR part 83. The Assistant Secretary is currently in the process of revising the regulations governing the process for acknowledging an Indian tribe. The request for extension for this information collection request does not include the suggestions and feedback on the proposed regulations, but instead will allow current or potential petitioners to submit information required under the current regulations, pending the finalization and effective date of any revisions. For this reason, the Assistant Secretary is requesting an extension of the approval for the information collection conducted under 25 CFR part 83.

The information collection is conducted under 25 CFR part 83, to establish whether a petitioning group has the characteristics necessary to be acknowledged as an Indian tribe for purposes of federal law. Federal recognition initiates a government-to-government relationship with the United States and makes the group eligible to apply for benefits from the Federal Government. Approval for this collection expires August 31, 2014. Three forms are used as part of this information collection.

II. Request for Comments

The Assistant Secretary requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0104.

Title: Documented Petitions for Federal Acknowledgment as an Indian Tribe, 25 CFR 83.

Brief Description of Collection: Submission of this information allows the Office of Federal Acknowledgment (OFA) to review petitions for Federal acknowledgment as an Indian tribe for purposes of federal law. The acknowledgment regulations at 25 CFR part 83 contain seven mandatory criteria that unrecognized groups seeking Federal acknowledgment as Indian tribes must demonstrate that they meet. Information collected from petitioning groups under these regulations provides anthropological, genealogical and historical data used by the Assistant Secretary to determine whether a petitioning group has the characteristics necessary to be acknowledged as an Indian tribe for purposes of federal law. Respondents are not required to retain copies of the information submitted to OFA but will probably maintain copies for their own use; therefore, there is no recordkeeping requirement included in this information collection.

Type of Review: Extension without change of currently approved collection.

Respondents: Groups petitioning for Federal acknowledgment as Indian tribes.

Number of Respondents: 10 per year, on average.

Number of Responses: 10 per year, on average.

Frequency of Response: Once.

Estimated Time per Response: 2,075 hours.

Estimated Total Annual Hour Burden: 20,750 hours.

Dated: June 19, 2014.

John Ashley,

Acting Assistant Director for Information Resources.

[FR Doc. 2014–14871 Filed 6–24–14; 8:45 am]

BILLING CODE 4310–G1–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5A211.IA000413]

Contract Support Costs

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal Consultation.

SUMMARY: The Bureau of Indian Affairs (BIA) is announcing tribal consultations to discuss long-term solutions concerning contract support costs. The BIA will conduct a total of five consultation sessions with Indian tribes. This notice establishes the date, time, and location of the consultation sessions.

DATES: Written comments are due by August 31, 2014. See the **SUPPLEMENTARY INFORMATION** section of this notice for dates of the consultation sessions.

ADDRESSES: See the **SUPPLEMENTARY INFORMATION** section of this notice for the locations of the consultation

sessions. Submit written comments by email to: *consultation@bia.gov* or by U.S. mail to: Office of the Assistant Secretary—Indian Affairs, U.S. Department of the Interior, Attn: Terrence Parks, Mail Stop 4513 MIB, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Terrence Parks, Chief, Division of Self-Determination, Office of Indian Services, telephone: (202) 513–7625.

SUPPLEMENTARY INFORMATION: The Consolidated Appropriations Act of 2014 (Act) includes funding to implement the Indian Self-Determination and Education Assistance Act of 1975, as amended, and authorizes discretionary allocations for contract support costs (CSC) for the Bureau of Indian Affairs (BIA). The Act did not limit the amount available in the fiscal year (FY), as in prior years, for the payment of CSC, nor did it include the proposal put forth in the Administration's FY 2014 budget request that would place a cap on the CSC amounts available for each tribal contract or compact. Instead, as set forth in the Join Explanatory Statement accompanying the Act, Congress ''remanded back to the agencies to resolve'' the determination of CSC amounts to be paid from within the FY 2014 appropriation.

Congress directed the BIA to consult with the tribes and work with the House and Senate committees of jurisdiction, the Office of Management and Budget, and the Committees on Appropriations to formulate long-term accounting, budget, and legislative strategies to work on solutions going forward. Congress indicated that the solution should consider a standardized approach that streamlines the contract negotiation process, provides consistent and clear cost categories, and ensures efficient and timely cost documentation for the agencies and tribes. These sessions, to be held in geographically convenient locations to encourage tribal participation, will allow for broad input regarding these activities. Federally recognized tribes are invited to attend one or more of the consultation sessions regarding contract support costs.

The BIA plans to continue consultation throughout the following months as the agency addresses implementation of its work plan, which was submitted to Congress by May 17, 2014. The following chart details the schedule of the five consultation sessions.

CONSULTATION SESSIONS

Date	Time (all time local)	Location
Tuesday, July 29, 2014	11:00 a.m.–1:00 p.m.	Navajo Nation Department of Transportation Complex, Naataanii Board Room, #16 Old Coal Mine Road, Tse Bonita, NM 86515.
Wednesday, July 30, 2014.	1:00 p.m.–3:00 p.m. ...	Wild Horse Pass Hotel and Casino, 5040 Wild Horse Pass Boulevard, Chandler, AZ 85048.
Thursday, July 31, 2014	9:00 a.m.–11:00 a.m.	Embassy Suites, 1815 South Meridian Avenue, Oklahoma City, OK 73108.
Wednesday, August 6, 2014.	1:30 p.m.–3:30 p.m. ...	Mystic Lake Casino Hotel, Wahpeton and Sisseton Conference Room, 2400 Mystic Lake Boulevard NW., Prior Lake, MN 55372.
Tuesday, August 19, 2014.	11:00 a.m.–1:00 p.m.	Best Western Ramkota Hotel, 2111 North LaCrosse Street, Rapid City, SD 57701.

Topics

- Welcome and Introductions;
- Overview and presentation on Contract Support Costs; and
- Open microphone for oral comments by tribal representatives.

Dated: June 19, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–14872 Filed 6–24–14; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR957000–L63100000–HD0000–14XL1116AF: HAG14–0144]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Oregon State Office, Portland, Oregon, 30 days from the date of this publication.

Willamette Meridian

Oregon

T. 5 S., R. 4 E., accepted June 3, 2014
T. 8 S., R. 2 E., accepted June 4, 2014
T. 37 S., R. 3 E., accepted June 4, 2014
T. 3 S., R. 6 W., accepted June 4, 2014
Tps. 26 & 27 S., R. 10 W., accepted June 4, 2014
T. 28 S., R. 8 W., accepted June 4, 2014
T. 29 S., R. 4 W., accepted June 4, 2014

Washington

T. 34 N., R. 2 E., accepted June 3, 2014

ADDRESSES: A copy of the plats may be obtained from the Public Room at the Bureau of Land Management, Oregon State Office, 1220 SW. 3rd Avenue, Portland, Oregon 97204, upon required payment.

FOR FURTHER INFORMATION CONTACT: Kyle Hensley, (503) 808–6132, Branch of Geographic Sciences, Bureau of Land Management, 1220 SW. 3rd Avenue, Portland, Oregon 97204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: A person or party who wishes to protest against this survey must file a written notice with the Oregon State Director, Bureau of Land Management, stating that they wish to protest. A statement of reasons for a protest may be filed with the notice of protest and must be filed with the Oregon State Director within thirty days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

Mary J.M. Hartel,

Chief Cadastral Surveyor of Oregon/Washington.

[FR Doc. 2014–14815 Filed 6–24–14; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO956000 L14200000.BJ0000]

Notice of Filing of Plats of Survey; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of survey; Colorado.

SUMMARY: The Bureau of Land Management (BLM) Colorado State Office is publishing this notice to inform the public of the intent to officially file the survey plat listed below and afford a proper period of time to protest this action prior to the plat filing. During this time, the plat will be available for review in the BLM Colorado State Office.

DATES: Unless there are protests of this action, the filing of the plat described in this notice will happen on July 25, 2014.

ADDRESSES: BLM Colorado State Office, Cadastral Survey, 2850 Youngfield Street, Lakewood, CO 80215–7093.

FOR FURTHER INFORMATION CONTACT: Randy Bloom, Chief Cadastral Surveyor for Colorado, (303) 239–3856.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The plat and field notes of the dependent resurvey, informative traverse and survey in Township 35 North, Range 14 West, New Mexico Principal Meridian, Colorado, were accepted on May 16, 2014.

Randy Bloom,

Chief Cadastral Surveyor for Colorado.

[FR Doc. 2014–14816 Filed 6–24–14; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[13X LLIDB00100 LF1000000.HT0000 LXSS020D0000 4500048111]

Notice of Proposed Supplementary Rules for the Cove Recreation Site, Owyhee County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) is proposing supplementary rules for public use of the campground and day use areas at Cove Recreation Site, located along C.J. Strike Reservoir in the Morley Nelson Snake River Birds of Prey National Conservation Area (NCA) in Owyhee County, Idaho. These supplementary rules are compatible and consistent with the September 2008 Record of Decision (ROD) for the NCA's resource management plan (RMP).

DATES: Interested parties may submit written comments on the proposed supplementary rules until August 25, 2014.

ADDRESSES: You may submit comments by mail, electronic mail, or hand delivery.

Mail or Hand Delivery: Bureau of Land Management, Four Rivers Field Office, 3948 S. Development Avenue, Boise, ID 83705. Electronic mail: *blm_id_cove_rec_rules@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Jared Fluckiger, Outdoor Recreation Planner, Bureau of Land Management, Four Rivers Field Office, 3948 S. Development Avenue, Boise, ID 83705, telephone 208–384–3342. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours (8:00 a.m.–4:30 p.m.). You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

You may mail, email, or hand-deliver comments to Jared Fluckiger, at the address listed above (See **ADDRESSES**). Written comments on the proposed supplementary rules should be specific and confined to issues pertinent to the proposed rules, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal that the commenter is addressing. The BLM is not obligated to consider, or include in the Administrative Record for the final supplementary rules, comments delivered to an address other than those listed above (See **ADDRESSES**) or comments that the BLM receives after the close of the comment period (See **DATES**), unless they are postmarked or electronically dated before the deadline.

Comments including names, street addresses, and other contact information for respondents, will be available for public review at the BLM Boise District Office location listed in **ADDRESSES** during regular business hours (8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays). Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your comment—including your personal identifying information—may be made publicly available at any time. While you can request that BLM withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

The 160-acre Cove Recreation Site is a 29-unit campground and day-use site located along C.J. Strike Reservoir, about 35 miles southwest of Mountain Home in southwestern Idaho. The site provides opportunities to fish, hike, view wildlife, boat (motorized and non-motorized), waterski, swim, camp, and picnic.

There are no proposed changes to Cove Recreation Site user fees, which were established in 2007 under the Recreation Fee Demonstration Program. The proposed supplementary rules would help the BLM achieve management objectives for the Snake River Birds of Prey NCA, which include restoring and rehabilitating non-shrub areas, and improving raptor and raptor prey habitat, while imposing only moderate restrictions on recreation. They would also provide the BLM with the enforcement tools needed to enhance public health and safety and help prevent damage to natural and cultural resources.

III. Discussion of the Proposed Supplementary Rules

The BLM published proposed supplementary rules for the Cove Recreation Site in the **Federal Register** on August 10, 2005 (70 FR 46538), but these were never finalized. The proposed rules in this notice include the earlier rules, which were not finalized, and four additional proposed site management rules. The earlier proposed

rules included camping protocols such as check out times, approved camping sites, camp quiet hours, and fee payment procedures. These proposed rules would also limit the number of individuals allowed on campsites (6 for a single site, 10 for a double site, 14 for a triple site); restrict the use of off-highway vehicles (OHV) within the campground; prohibit dumping graywater or blackwater anywhere other than in an approved area; and prohibit the use or discharge of paintball equipment in the campground or day-use areas.

These proposed supplementary rules would help the BLM achieve management objectives for the NCA and implement the decision associated with the 2003 environmental assessment (EA) for Reconstruction of the Cove Recreation Site, C.J. Strike Reservoir, 2003 EA No. ID 090 03 022 (2003 EA). These supplementary rules are compatible and consistent with the ROD for the NCA's RMP. The proposed supplementary rules would also provide the BLM with the enforcement tools needed to help prevent damage to natural and cultural resources and provide for public health and safety.

IV. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

The proposed supplementary rules are not a significant regulatory action and are not subject to review by the Office of Management and Budget under Executive Order 12866. The proposed supplementary rules would not have an effect of $100 million or more on the economy. They would not adversely affect, in a material way, the economy; productivity; competition; jobs; environment; public health or safety; or State, local or tribal governments or communities. The proposed supplementary rules would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. They do not materially alter the budgetary effects of entitlements, grants, or loan programs or the right or obligations of their recipients; nor do they raise novel legal or policy issues. The proposed rules merely impose rules of conduct for public use of a limited selection of public lands and provide greater consistency with the Idaho State Code to protect public health and safety.

Clarity of the Supplementary Rules

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. The BLM invites your comments on how to make these proposed supplementary rules easier to understand, including answers to questions such as the following:

(1) Are requirements in the proposed supplementary rules clearly stated?

(2) Do the proposed supplementary rules contain technical language or jargon that interferes with their clarity?

(3) Does the format of the proposed supplementary rules aid or reduce their clarity?

(4) Would the proposed supplementary rules be easier to understand if they were divided into more (but shorter) sections?

(5) Is the description of the proposed supplementary rules in **SUPPLEMENTARY INFORMATION** section helpful to your understanding of the proposed supplementary rules? How could this description be more helpful in making the proposed supplementary rules easier to understand?

Please send any comments you have on the clarity of the proposed supplementary rules to the address specified in the **ADDRESSES** section.

National Environmental Policy Act (NEPA)

The BLM prepared the 2003 EA to evaluate the environmental effects of the reconstruction of the Cove Recreation Site. These proposed supplementary rules are designed to mitigate issues discussed in the 2003 EA. This action is strictly procedural and is therefore categorically excluded pursuant to 516 DM 2, Appendix 1.10. There are no extraordinary circumstances that would present potentially significant effects to the environment.

The BLM has noted an increasing network of trails throughout the NCA due to widespread OHV use throughout the area. The 2003 EA states that the ground surrounding the structures on the site is disturbed and highly compacted from historic and heavy unrestricted vehicle traffic. As a result, soil erosion is a concern at the Cove Recreation Site, particularly on the east side of the inlet. The associated impacts to vegetation, water quality, and public health are also a concern. Uncontrolled OHV activity impacts wildlife populations (including raptors) and their habitats, and can adversely impact other recreational uses. The proposed supplementary rules are designed to mitigate:

1. OHV impacts to wildlife, soils and vegetation;
2. User conflicts (noise, pets, weapons, vehicle speeding, etc.); and
3. Human-caused wildfires.

OHV impacts and user conflicts are described in the decision record for the 2003 EA, which is available for review in the BLM administrative record at the address specified in the **ADDRESSES** section.

The impacts from human-caused wildfires are described in the ROD for the 2008 Snake River Birds of Prey National Conservation Area RMP EIS. The ROD for the RMP EIS was signed by the BLM Idaho State Director on September 30, 2008. The ROD is available for review in the BLM administrative record at the address specified in the **ADDRESSES** section and online at: *https://www.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=46154.*

The issues that form the basis of these supplementary rules were analyzed in the 2003 EA for reconstruction of the site. The proposed rules are also compatible and consistent with the 2008 ROD for the NCA's RMP and also provide for enforcement. That the proposed supplementary rules would not constitute a major Federal action significantly affecting the quality of the human environment under NEPA section 102(2)(C), 42 U.S.C. 4332(2)(C).

Regulatory Flexibility Act of 1980

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), as amended, 5 U.S.C. 601–612, to ensure Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. These proposed supplementary rules merely establish rules of conduct for public use of a limited area of public lands and should have no effect on business entities of any size. Therefore, the BLM has determined, under the RFA, that they would have no significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act

These proposed supplementary rules merely establish rules of conduct for public use of a limited area of public lands and do not affect commercial or business activities of any kind. Thus, the rules do not constitute a ''major rule'' as defined at 5 U.S.C. 804(2). They would not result in an effect on the economy of $100 million or more, an increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete

with foreign-based enterprises in domestic and export markets.

Unfunded Mandates Reform Act

These proposed supplementary rules would not impose an unfunded mandate on State, local or tribal governments in the aggregate or the private sector of more than $100 million per year, nor would they have a significant or unique effect on State, local, or tribal governments or the private sector. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*)

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

These proposed supplementary rules would not have significant takings implications, nor would they be capable of interfering with constitutionally protected property rights. Therefore, the BLM has determined these rules will not cause a ''taking'' of private property or require preparation of a takings assessment.

Executive Order 13132, Federalism

The proposed supplementary rules would not have a substantial direct effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. The proposed supplementary rules would not conflict with any Idaho state law or regulation. Therefore, in accordance with Executive Order 13132, the BLM has determined these proposed supplementary rules would not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

The BLM has determined these proposed supplementary rules would not unduly burden the judicial system and they meet the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

The BLM has found these supplementary rules do not include policies having tribal implications.

Executive Order 13352, Facilitation of Cooperative Conservation

In accordance with Executive Order 13352, the BLM has determined that the proposed supplementary rules would not impede facilitating cooperative conservation; would take appropriate account of and consider the interests of persons with ownership or other legally recognized interests in land or other natural resources; would properly accommodate local participation in the Federal decision-making process; and would provide that the programs, projects, and activities are consistent with protecting public health and safety.

Information Quality Act

The Information Quality Act (Section 515 of Pub. L. 106–554) requires Federal agencies to maintain adequate quality, objectivity, utility, and integrity of the information they disseminate. In developing these supplementary rules, the BLM did not conduct or use a study, experiment, or survey, or disseminate any information to the public.

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

These proposed supplementary rules would not constitute a significant energy action. The proposed supplementary rules would not have an adverse effect on energy supplies, production, or consumption, and have no connection with energy policy.

Paperwork Reduction Act

These proposed supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

Author: The principal author of these supplementary rules is Jared Fluckiger, NCA Outdoor Recreation Planner.

For the reasons stated in the preamble, and under the authority of 43 CFR 8365.1–6, the BLM proposes to issue supplementary rules for BLM-managed public lands at the Cove Recreation Site, To Read As Follows:

Supplementary Rules for the Cove Recreation Site

Definitions

Blackwater means water that contains animal, human, or food waste.

Graywater means wastewater drained from sinks, tubs, showers, dishwashers, clothes washers, and other non-toilet sources.

Off-highway vehicle (OHV) For the purpose of these supplementary rules, the following are included within the definition of OHV (taken from Idaho Code 67–7101 (2010)):

- ''All-terrain vehicle'' or ''ATV'' means any recreation vehicle that has 3 or more tires and measures 50 inches or less in width, having a wheelbase of 61 inches or less, having handlebar steering and a seat designed to be straddled by the operator.
- ''Motorbike'' means any self-propelled two-wheeled motorcycle or motor-driven cycle, excluding tractor, designed for or capable of traveling off developed roadways and highways and also referred to as trailbikes, enduro bikes, trials bikes, motocross bikes, or dual purpose motorcycles.
- ''Specialty off-highway vehicle'' means any vehicle manufactured, designed or constructed exclusively for off-highway operation that does not fit the definition of an all-terrain vehicle, utility type vehicle, or motorbike as defined in this section.
- ''Utility type vehicle'' or ''UTV'' means any recreational motor vehicle other than an ATV, motorbike or snowmobile as defined in this section, designed for and capable of travel over designated roads, traveling on 4 or more tires, maximum width less than 74 inches, maximum weight less than 2,000 pounds, and having a wheelbase of 110 inches or less. A utility type vehicle must have a minimum width of 50 inches, a minimum weight of at least 900 pounds or a wheelbase of over 61 inches. This does not include golf carts, vehicles specially designed to carry a disabled person, or implements of husbandry. A ''utility type vehicle'' or ''UTV'' also means a recreational OHV, or recreational off-highway vehicle.
- For the purpose of these supplementary rules, OHVs include any ATV, motorbike, specialty vehicle or UTV not licensed for highway use (not street legal).

On BLM-administered public land within the Cove Recreation Site, you must comply with the following supplementary rules:

1. User fees must be paid within one hour of arrival to the campground for overnight use and must be paid immediately upon arrival for day use. Fees must be paid at the self-service pay stations located in the campground and day-use areas. Golden Age or Golden Access Passport holders are entitled to a 50 percent fee reduction.

2. Fees for overnight camping permit two vehicles per numbered campsite. Additional vehicles will be charged an extra fee per day.

3. Camping is permitted at developed (numbered) sites only.

4. The maximum number of persons allowed on campsites is 6 for a single site, 10 for a double site, and 14 for a triple site.

5. Checkout time for overnight users is 2:00 p.m.

6. Cross-country vehicle travel within the campground is not allowed.

7. Off-highway vehicles (OHV), as defined above may not be used within the campground.

8. Vehicles and camping gear must not be left unattended in the recreation site for longer than 24 hours.

9. Quiet hours are established from 10:00 p.m. to 6:00 a.m. No loud talking, loud music, barking dogs, operation of generators, or other disturbing activities are permitted in the campground during these hours.

10. Campfires are permitted in agency-provided fire rings and grills only.

11. Cutting or collecting firewood of any kind is prohibited, including dead and down wood or other vegetative material.

12. All trash, garbage, waste, or pet fecal material must be immediately removed and disposed of in a sanitary manner. All persons must keep their sites free of trash and litter during the period of occupancy.

13. Dumping of graywater or blackwater is prohibited anywhere other than in an approved area.

14. Maximum length of stay in the campground is 14 consecutive days.

15. Paintball equipment must not be used or discharged in the campground or day-use areas.

Exemptions: Any Federal, State, local, and/or military employee acting within the scope of their duties; members of any organized rescue or fire-fighting force performing an official duty; and persons, agencies, municipalities or companies holding an existing special use permit and operating within the scope of their permit.

Penalties: On public lands under Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) and 43 CFR 8360.0–7, any person who violates any of these supplementary rules may be tried before a United States Magistrate and fined no more than $1,000 or imprisoned for no more than 12 months, or both. Such violations may also be subject to enhanced fines provided for by 18 U.S.C. 3571.

Authority: 43 CFR 8365.1–6

Timothy M. Murphy,

Acting BLM Idaho State Director.

[FR Doc. 2014–14832 Filed 6–24–14; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–16003; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before June 7, 2014. Pursuant to section 60.13 of 36 CFR Part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by July 10, 2014. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 11, 2014.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

ARIZONA

Gila County

Thompson Draw Summer Homes Unit 1 Historic District, 221–584 Coyote Tr., 151–298 Ring Tail Way., 14–194 Blue Jay Cir., 150–297 Kit Fox Pass, Payson, 14000420

CALIFORNIA

Madera County

Buck Camp Patrol Cabin, (Yosemite National Park MPS) Jct. of Buck Cr. & Buck Camp Tr., Yosemite, 14000406

Mariposa County

Merced Lake High Sierra Camp, (Yosemite National Park MPS) Merced Lake, Yosemite, 14000407

Merced Lake Ranger Station, (Yosemite National Park MPS) Jct. of Merced Lake Tr. & Lewis Cr., Yosemite, 14000408

Ostrander Lake Ski Hut, (Yosemite National Park MPS) Ostrander Lake Tr., Yosemite, 14000409

Snow Creek Ski Hut, (Yosemite National Park MPS) Snow Cr., Yosemite, 14000410

Snow Flat Snow Survey Shelter, (Yosemite National Park MPS) Terminus of service road off May Lake Rd., Yosemite, 14000411

Sunrise High Sierra Camp, (Yosemite National Park MPS) John Muir Tr., Yosemite, 14000412

Vogelsang High Sierra Camp, (Yosemite National Park MPS) Fletcher Lake, Yosemite, 14000413

Tuolumne County

Frog Creek Cabin, (Yosemite National Park MPS) Lake Eleanor at Frog Creek, Yosemite, 14000414

Glen Aulin High Sierra Camp, (Yosemite National Park MPS) Near confluence of Conness Cr. & Tuolumne R., Yosemite, 14000415

Lake Vernon Snow Survey Shelter, (Yosemite National Park MPS) Terminus of Lake Vernon Tr., Yosemite, 14000416

May Lake High Sierra Camp, (Yosemite National Park MPS) May Lake, Yosemite, 14000417

Sachse Spring Snow Survey Shelter, (Yosemite National Park MPS) Off of Kibbie Ridge Tr. near Sachse Spring, Yosemite, 14000418

Tuolumne Meadows High Sierra Camp, (Yosemite National Park MPS) Tuolumne Meadows, Yosemite, 14000419

COLORADO

Rio Blanco County

Coal Creek School, (Rural School Buildings in Colorado MPS) 617 Cty. Rd. 6, Meeker, 14000421

Summit County

Masonic Placer Cemetery—Valley Brook Cemetery, 905 Airport Rd., Breckinridge, 14000422

MICHIGAN

Houghton County

Keweenaw Waterway Lower Entrance Light, (Light Stations of the United States MPS) S. end of breakwater at mouth of Portage R., Torch Lake Township, 14000426

Keweenaw Waterway Upper Entrance Light, (Light Stations of the United States MPS) E. breakwater Keweenaw Waterway, N. end, .4 mi. offshore, Hancock Township, 14000425

MISSOURI

Jasper County

Downtown Webb City Historic District, Roughly N. & S. Main, E. & W. Broadway, Daugherty, E. Church, N. Tom, N. Liberty, N. & S. Webb., Webb City, 14000427

OKLAHOMA

Pawnee County

Blue Hawk Peak Ranch (Boundary Increase), 1141 Pawnee Bill Rd., Pawnee, 14000428

SOUTH CAROLINA

Calhoun County

Lang Syne Plantation, 520 Lang Syne Rd., St. Matthews, 14000429

UTAH

Summit County

Doggy Door Tie Cutter Cabin, (Tie Cutting Industry of the North Slope of the Uinta Mountains MPS) Address Restricted, South Jordan, 14000431

WISCONSIN

Bayfield County

East Third Street Residential Historic District, E. 3rd St. from Central Ave. to 4th Ave. E., Washburn, 14000430

In the interest of preservation, a three day comment period has been requested for the following resources:

KENTUCKY

Jefferson County

Nelson Distillery Warehouse, 100 Distillery Commons Dr., Louisville, 14000423

Lewis County

Hammond—Queen House, 156 2nd St., Vanceburg, 14000424

[FR Doc. 2014–14770 Filed 6–24–14; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 06–14]

Sunshine Act Meeting

AGENCY: Foreign Claims Settlement Commission, JUSTICE.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

Thursday, July 10, 2014: 10:00 a.m.—Oral hearings on Objection to Commission's Proposed Decisions in Claim Nos. IRQ–I–001/IRQ–I–002;

11:00 a.m.—Issuance of Proposed Decisions in claims against Iraq.

Status: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616–6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2014–14960 Filed 6–23–14; 4:15 pm]

BILLING CODE 4410–BA–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Longshore and Harbor Workers' Compensation Act Pre-Hearing Statement

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) titled, ''Longshore and Harbor Workers' Compensation Act Pre-Hearing Statement,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 25, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201403-1240-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Longshore and Harbor Workers' Compensation Act Pre-Hearing Statement information collection. Regulations section 20 CFR 702.317 provides for the referral of claims under the Longshore and Harbor Workers' Compensation Act (LHWCA) for formal hearings. The Pre-Hearing Statement, Form LS–18, is used to refer cases to the Office of Administrative Law Judges for formal hearing under the LHWCA. The LHWCA authorizes this information collection. *See* 33 U.S.C. 901.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0036.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on June 30, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 4, 2014 (79 FR 12226).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should

mention OMB Control Number 1240–0036. The OMB is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Longshore and Harbor Workers' Compensation Act Pre-Hearing Statement.

OMB Control Number: 1240–0036.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 3,100.

Total Estimated Number of Responses: 3,100.

Total Estimated Annual Time Burden: 527 hours.

Total Estimated Annual Other Costs Burden: $1,612.

Dated: June 18, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–14763 Filed 6–24–14; 8:45 am]

BILLING CODE 4510–CF–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Notice of Recurrence

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) revision titled, ''Notice of Recurrence,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 25, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201401-1240-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Notice of Recurrence, Form CA–2a, information collection used to claim reimbursement of wage loss or medical treatment resulting from the recurrence of a work-related injury while Federally employed. The information is necessary to ensure accurate benefits payment. This information collection has been classified as a revision, because of revisions to Form CA–2a needed to comply with current Federal law and Federal Employees' Compensation Act Bulletin No. 14–01, December 12, 2013. These changes are not expected to change respondent burden.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0009. The current approval is scheduled to expire on June 30, 2014; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 18, 2014 (79 FR 15143).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0009. The OMB is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Notice of Recurrence.

OMB Control Number: 1240–0009.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 258.

Total Estimated Number of Responses: 258.

Total Estimated Annual Time Burden: 129 hours.

Total Estimated Annual Other Costs Burden: $134.

Dated: June 19, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–14817 Filed 6–24–14; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collection for extension without revisions.

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)] (PRA). The PRA helps ensure that respondents can provide requested data in the desired format with minimal reporting burden (time and financial resources), collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, ETA is soliciting comments concerning the collection of data to support the Enhanced Transitional Jobs Demonstration project (ETJD).

DATES: Submit written comments to the office listed in the addresses section below on or before August 25, 2014.

ADDRESSES: Send written comments to Jenn Smith, Office of Workforce Investment, N–4511, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–3597 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Fax: 202–693–3113. Email: *smith.jenn@dol.gov.* To obtain a copy of the proposed information collection request (ICR), please contact the person listed above.

SUPPLEMENTARY INFORMATION:

I. Background

In applying for the Enhanced Transitional Jobs Demonstration grants, grantees agreed to submit participant data and quarterly aggregate reports for individuals who receive services through ETJD programs and their partnerships with American Job Centers, local workforce investment boards, employment providers, the criminal justice system, and child support enforcement agencies, among others. The reports include aggregate data on demographic characteristics, types of services received, placements, outcomes, and follow-up status. Specifically, they summarize data on participants who received subsidized employment and training, placement services, child support assistance and family reunification services, mentoring, and other services essential to successful unsubsidized employment of ex-offender and non-custodial parent participants through ETJD programs.

This requests an extension (without changes) for an existing information collection to meet the reporting and recordkeeping requirements of the Enhanced Transitional Jobs Demonstration through an ETA-provided, Web-based Management Information System (MIS). In addition to reporting participant information and performance-related outcomes, ETJD grantees will be part of an extensive random assignment evaluation to test the effectiveness of a transitional jobs ''bump-up'' model that provides an enhanced approach to the traditional transitional jobs model, in order to demonstrate the effectiveness of transitional jobs in serving specific hard-to-employ populations.

This information collection maintains a reporting and record-keeping system for a minimum level of information collection that is necessary to hold ETJD grantees appropriately accountable for the Federal funds they receive, including common performance measures, and to allow the Department to fulfill its oversight and management responsibilities.

II. Review Focus

The Department is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

Type of Review: Extension without revisions.

Title: Enhanced Transitional Jobs Demonstration Reporting System.

OMB Number: 1205–0485.

Affected Public: Local workforce investment boards, non-profits, and faith-based organization grantees.

Estimated Total Annual Respondents: 7 grantees.

Estimated Total Annual Responses: 21,096.

Estimated Total Annual Burden Hours: 8,340.

Total Estimated Annual Other Costs Burden: $0.

We will summarize and include in the request for OMB approval of the ICR, the comments received in response to this comment request; they will also become a matter of public record.

Portia Wu,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2014–14828 Filed 6–24–14; 8:45 am]

BILLING CODE 4510–FT–P

NUCLEAR REGULATORY COMMISSION

[NRC–2008–0465]

Revision of Guidelines on Use of Firearms by Security Personnel

AGENCY: Nuclear Regulatory Commission.

ACTION: Firearms Guidelines; Issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing, with the approval of the U.S. Attorney General, revised guidelines on the use of weapons by the security personnel of licensees and certificate holders whose official duties include the protection of a facility, certain radioactive material, or other property owned or operated by an NRC licensee or certificate holder, or of

radioactive material or other property that is being transported to or from a facility owned or operated by such a licensee or certificate holder. The revised guidelines are entitled, ''Guidelines on the Use of Firearms by Security Personnel in Protecting U.S. NRC-Regulated Facilities, Radioactive Material, and Other Property, Revision 1'' (Revised Firearms Guidelines). The NRC first issued firearms guidelines on September 11, 2009.

DATES: The Revised Firearms Guidelines take effect on June 25, 2014.

ADDRESSES: Please refer to Docket ID NRC–2008–0465 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0465. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209 or 301–415–4737 or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Norman St. Amour, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–1589, email: *Norman.StAmour@nrc.gov.*

SUPPLEMENTARY INFORMATION: Section 161A of the Atomic Energy Act of 1954, as amended (AEA) (''Use of Firearms by Security Personnel,'' 42 U.S.C. 2201a), provides statutory authority for the Commission to authorize the security personnel of an NRC licensee or certificate holder to transfer, receive, possess, transport, import, and use certain guns, weapons, ammunition, and devices notwithstanding State, local, and certain Federal firearms laws that prohibit such actions (161A Authority). Section 161A of the AEA took effect on September 11, 2009, when the Commission issued, with the approval of the U.S. Attorney General, the original Firearms Guidelines (74 FR 46800).

The Commission and the U.S. Department of Justice (DOJ) identified various issues that emerged following publication of the original Firearms Guidelines on September 11, 2009. The NRC and the DOJ worked together to revise the Firearms Guidelines to address these issues (ADAMS Accession No. ML14086A096).

The primary change under the Revised Firearms Guidelines is to the firearms background check requirement. Currently, the security personnel of all NRC licensees and certificate holders eligible to apply for 161A preemption authority must undergo a firearms background check conducted by the Federal Bureau of Investigation (FBI), whether or not the licensee or certificate holder intends to apply for preemption authority. Under the Revised Firearms Guidelines, only the security personnel of those NRC licensees and certificate holders that actually apply for 161A preemption authority would be required to undergo a firearms background check. This change will reduce the administrative and financial burden on licensees and certificate holders, the NRC, and the FBI. There are also minor revisions and conforming changes to the Revised Firearms Guidelines.

The Attorney General approved the Revised Firearms Guidelines by letter dated March 21, 2014. The Commission approved the Revised Firearms Guidelines and their publication in the **Federal Register** on May 28, 2014. The Revised Firearms Guidelines are available in ADAMS under Accession No. ML14108A422 and are in the attachment to this document.

Dated at Rockville, Maryland, this 18th day of June 2014.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

Attachment

Guidelines on the Use of Firearms by Security Personnel in Protecting U.S. NRC Regulated Facilities, Radioactive Material, and Other Property, Revision 1

1. Authority and Scope

On August 8, 2005, the President signed into law the Energy Policy Act of 2005 (the Act), Pub. L. 109–58, 119 Stat. 594 (2005). Section 653 of the Act amended the Atomic Energy Act of 1954, as amended, (AEA) by adding section 161A, ''Use of Firearms by Security Personnel,'' 42 U.S.C. 2201a. Section 161A of the AEA provides new authority to the U.S. Nuclear Regulatory Commission (Commission or NRC) to enhance security at designated facilities of NRC licensees and certificate holders and to enhance security with respect to certain radioactive material or other property owned or possessed by an NRC licensee or certificate holder, or the transportation of such material or other property.

Specifically, section 161A provides two potential advantages to NRC licensees and certificate holders to enhance security. First, the Commission is authorized to permit the security personnel of licensees and certificate holders to obtain enhanced weapons, such as machineguns, short-barreled shotguns, and short-barreled rifles, not previously permitted to be owned or possessed under Commission authority (enhanced weapons authority). Second, section 161A authorizes the Commission to permit the security personnel of licensees or certificate holders to transfer, receive, possess, transport, import, and use handguns, rifles, shotguns, short-barreled shotguns, short-barreled rifles, machineguns, semiautomatic assault weapons, ammunition for such weapons, and large capacity ammunition feeding devices notwithstanding State, local, and certain Federal firearms laws, including regulations, that prohibit such conduct (preemption authority).

Prior to the enactment of section 161A, with limited exceptions, only Federal, State or local law enforcement could lawfully possess machineguns. Section 161A authority, however, allows licensees and certificate holders, who obtain the necessary authorization from the NRC, to lawfully possess machineguns (enhanced weapons authority) that they previously were not authorized to possess.

An NRC licensee or certificate holder must apply to the Commission to take advantage of the provisions of section 161A. Prior to granting an application to permit security personnel of an NRC licensee or certificate holder to transfer, receive, possess, transport, import, and use a weapon, ammunition, or device not previously authorized, the Commission must determine that the requested authority is necessary in the discharge of the official duties of the security personnel and the security personnel are engaged in protecting: (1) A facility owned or operated by an NRC licensee or certificate holder and designated by the Commission, or (2) radioactive material or other property that has been determined by the Commission to be of significance to public health and safety or the common defense and security, and that is owned or possessed by an NRC licensee or certificate holder, or that is being transported to or from an NRC-regulated facility. The Commission's authorization shall only apply to use by security personnel of a licensee or certificate holder of a weapon, ammunition, or a device listed in section 161A.b. when used by such personnel while in the discharge of their official duties.

Section 161A also mandates that all security personnel that receive, possess, transport, import, or use a weapon, ammunition, or a device otherwise prohibited by State, local, or certain federal laws, including regulations, as provided by section 161A.b. (42 U.S.C. 2201a(b)) shall be subject to a fingerprint-based background check by the Attorney General and a firearms background check against the Federal National Instant Background Check System (NICS). These firearms background checks will provide assurance that such security personnel are not barred from possessing, transporting, or using any covered weapons.

Section 161A took effect with the publication of these guidelines in the **Federal Register** on September 11, 2009 (74 FR 46800).

Regulations or orders issued by the Commission concerning section 161A shall be consistent with the provisions of these guidelines. Modification of these guidelines by the Commission must be made with the concurrence of the Attorney General.

Definitions of terms that may not have a commonly understood meaning are contained in section 8 of these guidelines.

2. Commission Designations and Determinations

After the issuance of these guidelines, the Commission will promulgate regulations or issue orders that designate specific classes of licensees and certificate holders eligible to apply to the Commission to use the authority of section 161A. Commission regulations or orders will designate the specific types of facilities, radioactive material, or other property owned or possessed by NRC licensees and certificate holders, or specific types of radioactive material or other property being transported to or from a facility owned or operated by an NRC licensee or certificate holder, for which an application to the Commission may be made to use the authority of section 161A. The Commission's designation of specific radioactive material or other property will be based upon a finding that the material or property is of significance to the common defense and security or public health and safety. These regulations or orders will require NRC licensees or certificate holders that have been designated by the Commission pursuant to section 161A, and that have chosen to apply for preemption authority only or for enhanced weapons authority and preemption authority, to ensure that their armed security personnel who will have access to covered weapons and who are engaged in the protection of a designated facility, radioactive material, or other property, complete a satisfactory firearms background check as described in section 5 of these guidelines.

The Commission will promulgate regulations or issue orders establishing a process for NRC-regulated entities to apply for and obtain preemption authority under section 161A. The Commission will also promulgate regulations or issue orders establishing a process for NRC-regulated entities to apply for and obtain both enhanced weapons authority and preemption authority under section 161A. An NRC-regulated entity may obtain preemption authority without applying for enhanced weapons authority. An NRC-regulated entity seeking enhanced weapons authority must obtain both enhanced weapons authority and preemption authority. A licensee's or certificate holder's applications for preemption authority and enhanced weapons authority may be sequential or concurrent, but the NRC must approve the licensees' and certificate holders' applications for preemption authority at the same time as or before approving their application for enhanced weapons authority.

In addition, Commission regulations or orders will require that before licensees and certificate holders may be granted authority by the NRC to obtain enhanced weapons they must: (1) Apply to the NRC for preemption authority, (2) apply to the NRC for approval to obtain enhanced weapons, and (3) develop new, or revise existing, physical security plans (including plans for the safe storage of enhanced weapons), security personnel training and qualification plans, safeguards contingency plans, and safety assessments incorporating the use of the enhanced weapons to be employed. These plans and assessments must be specific to the facility, radioactive material, or other property being protected; must identify the specific type(s) of enhanced weapons that will be used by security personnel; and must address how these enhanced weapons will be employed in meeting the NRC-required protective strategy. Licensees and certificate holders must submit these new, or revised, plans and assessments to the NRC for review and written approval. The requirements for the contents of the licensee's and certificate holder's physical security plans, security personnel training and qualification plans, safeguards contingency plans, and safety assessments on the use of enhanced weapons are contained in NRC regulations.

Based upon the NRC's review of an applicant's plans and assessments (as provided in the preceding paragraph) and upon a determination that all of the requirements of section 161A have been, or will be, met, the NRC will provide a written statement to the licensee or certificate holder stating that the NRC has determined that the licensee's or certificate holder's need for the specific enhanced weapons that the licensee or certificate holder intends to deploy satisfies the requirements of the NRC under section 161A.

Licensees and certificate holders lawfully possessing enhanced weapons under an authority other than section 161A on or before the effective date of these guidelines are not required to revise their previously approved security plans, unless the licensee or certificate holder applies to the NRC under section 161A for preemption authority or for enhanced weapons authority and preemption authority.

3. Applicability of Federal Firearms Laws, Regulations and Licensing Requirements

In addition to complying with Commission regulations and orders implementing section 161A, NRC licensees and certificate holders must also comply with applicable provisions of Title 18 U.S.C. Chapter 44 (the Gun Control Act (GCA)) and Title 26 U.S.C. Chapter 53 (National Firearms Act (NFA)) and 27 CFR parts 478 and 479 (the applicable regulations promulgated under those laws by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)), regarding the transfer, receipt, possession, transportation, importation, or use of covered weapons, except to the extent that those regulations are superseded by section 161A. After a licensee's or certificate holder's receipt of the NRC's written approval of their application for enhanced weapons authority, the licensee or certificate holder may in accordance with 26 U.S.C. Chapter 53 have enhanced weapons transferred to them. An application to transfer an enhanced weapon to a licensee or certificate holder must be submitted to ATF by the transferor of the enhanced weapon. The application must include all required information including a copy of the NRC's written approval to possess specific enhanced weapons under section 161A. All enhanced weapons must be registered with ATF under the name of the licensee or certificate holder.

4. Training and Qualification on Enhanced Weapons

The Commission will promulgate regulations or issue orders requiring NRC licensees or certificate holders who have received written NRC approval of their application for section 161A enhanced weapons authority to provide specific training to their security personnel on the possession, storage, maintenance, and use of enhanced weapons and on tactical maneuvers employing such weapons in protecting NRC-designated facilities, radioactive material, or other property, whichever is applicable. The regulations or orders will require such licensees and certificate holders to incorporate within their security personnel training and qualification plans specific training and qualification information applicable to the enhanced weapons to be employed, including information regarding tactical maneuvers that security personnel will carry out with those weapons. This training and qualification information must conform with firearms training and qualification standards developed by nationally-recognized firearms organizations or standard setting bodies, or with standards developed by Federal agencies, such as the U.S. Department of Homeland Security's Federal Law Enforcement Training Center, the U.S. Department of Energy's National Training Center, and the U.S. Department of Defense.

5. Firearms Background Checks

The Commission will promulgate regulations or issue orders establishing requirements for firearms background checks. Licensees and certificate holders may apply to the NRC for preemption authority only or for both enhanced weapons authority and preemption authority. In either case, to obtain approval of such an application, satisfactory firearms background checks must have been completed for the licensee's or certificate holder's security personnel whose official duties require access to covered weapons. The firearms background check

requirement applies to such security personnel whether they are directly employed by the licensee or certificate holder or they are employed by a security contractor who provides security services to the licensee or certificate holder.

The Commission's regulations or orders will set forth the criteria for satisfactory and adverse firearms background checks, as defined in section 8(a) of these guidelines. The regulations or orders will require that NRC licensees and certificate holders designated by the Commission pursuant to section 161A, and who have applied for preemption authority only or for enhanced weapons authority and preemption authority, ensure that their armed security personnel who have access to covered weapons and who are engaged in the protection of a designated facility, radioactive material, or other property, complete a firearms background check. The firearms background checks are in addition to any other background checks or criminal history checks required for security personnel under Commission regulations or orders.

An applicant for preemption authority only or for enhanced weapons authority and preemption authority may begin firearms background checks of its security personnel who are proposed to have official duties that require access to covered weapons in the protection of such facilities, radioactive material, or other property after the NRC notifies the applicant that its application has been accepted for review. Upon notification that any personnel have received a ''denied'' National Instant Criminal Background Check system (NICS) response, an applicant must immediately remove such personnel from duties that would require access to covered weapons. Once a licensee or certificate holder has been granted preemption authority only or enhanced weapons authority and preemption authority under section 161A, a licensee or certificate holder must prohibit any personnel receiving a ''denied'' or ''delayed'' NICS response from assuming duties requiring access to covered weapons. Security personnel who received a ''denied'' or ''delayed'' NICS response and who subsequently receive a response that a satisfactory firearms background check has been completed may be permitted access to covered weapons.

Before granting preemption authority, the Commission will require persons who are licensees and certificate holders on the effective date of these guidelines, and who have applied for preemption authority only or for enhanced weapons authority and preemption authority, to notify the NRC in writing after a sufficient number of security personnel have completed a satisfactory firearms background check to permit the licensee or certificate holder to meet the licensee's or certificate holder's security personnel minimum staffing and fatigue requirements. The NRC will review such readiness notifications on a case-by-case basis prior to approving a licensee's or certificate holder's application for preemption authority.

Any licensee or certificate holder granted preemption authority only or enhanced weapons authority and preemption authority is required to conduct periodic firearms background checks of all security personnel who have, or are proposed to have, official duties that require access to covered weapons in the protection of such a facility, radioactive material, or other property, at a minimum of once every five years after their first background check. However, these checks may be conducted more frequently if required by Commission regulation or order, or if the licensee or certificate holder requires an earlier check.

Security personnel who receive an adverse firearms background check response upon a recheck must be removed from duties that require access to covered weapons. Security personnel so removed who subsequently complete a satisfactory firearm background check may be permitted access to covered weapons. In addition, the Commission will require a new firearms background check for security personnel who have had a break of greater than one (1) week in employment by the licensee or certificate holder or in employment by a contractor who provides security services to a licensee or certificate holder.

The Commission will require a new firearms background check for security personnel who have transferred to the employment or the service of the licensee or certificate holder from a different licensee or certificate holder in whose employ they previously completed a satisfactory firearms background check. However, a change in the ownership of the licensee or certificate holder, a change in the ownership of the security contractor providing the security personnel, or a change in the security contractor providing the security personnel will not require, by itself, the performance of a new firearms background check for personnel who have previously completed a satisfactory firearms background check.

The Commission will promulgate regulations or issue orders requiring a licensee or certificate holder who has been granted preemption authority only or enhanced weapons authority and preemption authority to establish procedures for notifying the NRC when a security officer assigned duties requiring access to covered weapons is permanently removed from such duties because of an adverse firearms background check. The NRC will promptly report suspected violations of Federal law to the appropriate Federal agency and suspected violations of State law to the appropriate State agency.

The Commission will promulgate regulations or issue orders providing a process for security personnel who have received an adverse firearms background check to appeal a ''denied'' NICS response to the FBI, or to provide additional information to the FBI to resolve a ''delayed'' NICS response. Security personnel must file a request to appeal a ''denied'' NICS response or a request to resolve a ''delayed'' NICS response within 45 calendar days after the date the licensee or certificate holder notifies the individual of the adverse response. The request must include appropriate documentation or record(s) establishing the legal or factual basis, or both, for the challenge. It is the responsibility of a person who is appealing or resolving an adverse firearms background check to provide the FBI with any additional information requested by the FBI to resolve an adverse firearms background check. Such persons must supply this information to the FBI within 45 calendar days after the FBI's request. Extensions of the time period to supply additional requested information in support of a timely appeal or resolution request may be granted by the licensee or certificate holder for good cause shown, as determined by the licensee or certificate holder. Failure to timely initiate an appeal or resolution request or timely provide additional information requested by the FBI will result in the barring or abandonment of the appeal or resolution request. Appeals or resolution requests that are barred or abandoned because of the failure to comply with these deadlines may only be pursued after resubmission of a firearms background check request on the individual. Such resubmission will be by, and at the sole discretion of, a licensee or certificate holder.

6. Enhanced Weapons Accountability, Transfer, Transportation, and Record Keeping

The Commission will promulgate regulations or issue orders requiring licensees and certificate holders to perform periodic accountability inventories of the enhanced weapons in their possession to verify their continued possession of each enhanced weapon. The regulations or orders will require licensees or certificate holders to complete such inventories at specified intervals, and at least one inventory will be conducted each year. These inventories must be based upon the verification of the presence at the licensee's or certificate holder's facility of each enhanced weapon or upon a verification of the presence of an intact tamper indicating device (TID) for enhanced weapons that are stored in locked and sealed storage or ready-service containers at the licensee's or certificate holder's facility. The regulations or orders will require that licensees and certificate holders permitting enhanced weapons to be removed from their facility (i.e., the owner controlled area) by security personnel for permissible reasons verify that such weapons are subsequently returned to the licensee's or certificate holder's facility upon completion of official use of the weapons.

Permissible reasons for removal of enhanced weapons from the licensee's or certificate holder's facility include: (1) Removal for use at a firing range or training facility used by the licensee or certificate holder, and (2) removal for use in escorting shipments of radioactive material or other property designated by the Commission under section 2 of these guidelines, if the material or other property is being transported to or from the licensee's or certificate holder's facility. The Commission may provide other permissible reasons for the removal of enhanced weapons by regulation or order.

Any removal of the enhanced weapons from a licensee's or certificate holder's facility by a contractor would constitute a transfer of those weapons unless

accompanied by the licensee's security personnel who are authorized to direct the contractor and therefore maintain control over the weapons. The licensee or certificate holder may only transfer (by sale or otherwise) enhanced weapons pursuant to an application approved by ATF under 26 U.S.C. Chapter 53.

A licensee or certificate holder receiving enhanced weapons must assist the transferor in completing an application to transfer such weapons in accordance with 26 U.S.C. 5812, and must provide the transferor a copy of the NRC's written approval of their application for enhanced weapons authority. Enhanced weapons may only be transferred to the licensee or certificate holder, not to a contractor of the licensee or certificate holder.

The Commission will promulgate regulations or issue orders requiring a licensee or certificate holder possessing enhanced weapons to notify the NRC and the appropriate local authorities of any stolen or lost enhanced weapons upon the discovery of such theft or loss. Licensees and certificate holders will also have an independent obligation, pursuant to 27 CFR 479.141, to report to ATF stolen or lost enhanced weapons registered in accordance with 26 U.S.C. 5841 immediately upon the discovery of such theft or loss.

Security personnel transporting enhanced weapons to or from a firing range or training facility used by the licensee or certificate holder are responsible for assuring that the weapons are unloaded and locked in a secure container during transport. Except as provided in the next paragraph, security personnel transporting enhanced weapons to or from a licensee's or certificate holder's facility following the completion of, or in preparation for, escorting designated radioactive material or other property being transported to or from the licensee's or certificate holder's facility are responsible for assuring that the weapons are unloaded and locked in a secure container during transport. Only authorized personnel shall have access to the contents of the container. Unloaded covered weapons and ammunition for such weapons may be transported in the same secure container during transport.

Security personnel required to carry covered weapons while escorting designated radioactive material or other property being transported to or from the licensee's or certificate holder's facility (whether intrastate or interstate) are responsible for assuring that such weapons are maintained in a state of loaded readiness and available for immediate use while they are accompanying the transport.

To facilitate compliance with these guidelines, the NRC's regulations or orders will require licensees and certificate holders to keep records (capable of being inspected or audited by the NRC) relating to the receipt, transfer, and transportation of enhanced weapons. The records will be required to include the following minimum information relating to receipt and transfer of enhanced weapons: The date of receipt of the enhanced weapon; the name and address of the person from whom the enhanced weapon was received; the name of the manufacturer and importer (if any) of the enhanced weapon; the model, serial number, type, and caliber or gauge of the enhanced weapon; and for any transfer of an enhanced weapon (including sending off for repairs) by the licensee or certificate holder to another person, the name and address of the person to whom the enhanced weapon was transferred and the date of the transfer. The records will be required to include the following minimum information relating to transportation of enhanced weapons: the date of departure of the enhanced weapon from, and the date of return of the enhanced weapon to, the licensee's or certificate holder's facility; the purpose of the enhanced weapon's transportation; the name of the person transporting the enhanced weapon and the name of the person/facility to whom the enhanced weapon is being transported; and the model, serial number, type, and caliber or gauge of the enhanced weapon.

7. Termination, Modification, Suspension, and Revocation

The Commission will promulgate regulations or issue orders setting forth standards for the termination, modification, suspension, or revocation of the NRC's approval of a licensee's or certificate holder's preemption authority or enhanced weapons authority and preemption authority. Within three (3) business days of notifying the licensee or certificate holder, the NRC will notify ATF of the termination, modification, suspension, or revocation of a licensee's or certificate holder's preemption authority or enhanced weapons authority and preemption authority. Such a notification will be made to the position or point of contact designated by ATF. The regulations or orders will require licensees and certificate holders to transfer any enhanced weapons that they are no longer authorized to lawfully possess under section 161A, or that they wish to dispose of, to (1) a Federal, State, or local government entity; (2) a federal firearms licensee authorized to receive the enhanced weapons under applicable law and regulations; and (3) other NRC licensees and certificate holders subject to section 161A that are authorized to receive and possess these weapons. Licensees and certificate holders may also abandon such weapons to ATF. Transfers of such enhanced weapons must be made in accordance with section 6 of these guidelines.

The regulations or orders will require licensees and certificate holders to transfer any enhanced weapons (1) prior to NRC approval of the termination or modification of a licensee's or certificate holder's authority to possess the enhanced weapons under section 161A, and (2) as soon as practicable following NRC suspension or revocation of the licensee's or certificate holder's authority to lawfully possess enhanced weapons under section 161A.

Licensees and certificate holders who have had their preemption authority or enhanced weapons and preemption authority suspended or revoked may reapply for such authority by filing a new application for such authority under these guidelines.

Licensees and certificate holders who intend to obtain enhanced weapons different from the weapons previously approved by the NRC must submit to the NRC for prior review and approval revised physical security plans, training and qualification plans, safeguards contingency plans, and safety assessments addressing the use of these different enhanced weapons.

8. Definitions

(a) As used in these guidelines—

Adverse firearms background check means a firearms background check that has resulted in a ''denied'' or ''delayed'' NICS response.

Covered weapon means any handgun, rifle, shotgun, short-barreled shotgun, short-barreled rifle, semi-automatic assault weapon, machinegun, ammunition for any such weapon, or large capacity ammunition feeding device otherwise prohibited by State, local, or certain federal laws, including regulations, as specified under section 161A.b.

Enhanced weapon means any short-barreled shotgun, short-barreled rifle, or machinegun. Enhanced weapons do not include destructive devices as defined in 18 U.S.C. 921(a).

Firearms background check means a background check by the Attorney General pursuant to section 161A that includes a check against the Federal Bureau of Investigation's (FBI's) fingerprint system and the NICS.

NICS means the National Instant Criminal Background Check System established by Section 103(b) of the Brady Handgun Violence Prevention Act, Pub. L. 103–159, 107 Stat. 1536, that is operated by the FBI's Criminal Justice Information Services Division.

NICS response means a response provided by the FBI as the result of a firearms background check against the NICS. Such a response may be ''proceed,'' ''delayed,'' or ''denied.''

Satisfactory firearms background check means a firearms background check that has resulted in a ''proceed'' NICS response.

(b) The terms ''handgun, rifle, shotgun, short-barreled shotgun, short-barreled rifle, semi-automatic assault weapon, machinegun, ammunition, and large capacity ammunition feeding device'' have the same meaning provided for these terms in 18 U.S.C. 921(a).

(c) The terms ''proceed,'' ''delayed,'' and ''denied,'' as used in NICS responses, have the same meaning provided for these terms in the FBI's regulations in 28 CFR part 25.

Disclaimer

These guidelines may not be relied upon to create any rights, substantive or procedural, enforceable by law by any party in any manner, civil or criminal, and they do not place any limitations on otherwise lawful activities of the agencies.

[FR Doc. 2014–14860 Filed 6–24–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on July 9–11, 2014, 11545 Rockville Pike, Rockville, Maryland.

Wednesday, July 9, 2014, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Proposed Revision to Title 10 of the Code of Federal Regulations (CFR) 50.55a(h) Endorsing IEEE 603–2009, ''Criteria for Safety Systems for Nuclear Power Generating Stations'' (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed revision to 10 CFR 50.55a(h) endorsing IEEE 603–2009, ''Criteria for Safety Systems for Nuclear Power Generating Stations.''

10:45 a.m.–12:45 p.m.: Peach Bottom Extended Power Uprate (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Exelon regarding the review of the safety evaluation report associated with the Peach Bottom extended power uprate application. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).]

1:45 p.m.–3:45 p.m.: Draft Final Design Specific Review Standard (DSRS) for B&W mPower Small Modular Reactor Chapter 7, Instrumentation and Controls (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Generation mPower LLC regarding the draft final DSRS for B&W mPower small modular reactor Chapter 7, Instrumentation and Controls.

4:00 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).]

Thursday, July 10, 2014, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:00 a.m.: Revisions to Chapter 19 and Section 17.4 of the Standard Review Plan (SRP) (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the staff regarding revisions to Chapter 19 and Section 17.4 of the Standard Review Plan for the review of Safety Analysis Reports for Nuclear Power Plants. [**Note:** A portion of this meeting may be closed in order to discuss and protect unclassified safeguards information, pursuant to 5 U.S.C. 552b(c)(3).]

10:15 a.m.–11:45 a.m.: Lessons Learned from the San Onofre Steam Generator Tube Degradation Event (Open)—The Committee will hear presentations by and hold discussions with representatives of the staff regarding their development of lessons learned from the San Onofre steam generator tube degradation event.

12:45 p.m.–2:45 p.m.: NRC Staff Activities Regarding Consolidation of Rulemakings Associated with Near Term Task Force (NTTF) Recommendations 4, 7, 8, 9.1, 9.2, and 9.3 (Open)—The Committee will hear presentations by and hold discussions with representatives of the staff regarding their activities regarding consolidation of rulemakings associated with NTTF recommendations.

3:00 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue their discussion of proposed ACRS reports on matters discussed during this meeting. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(3) and (4).]

Friday, July 11, 2014, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–10:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS Meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments. [**Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b (c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

10:00 a.m.–10:15 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

10:30 a.m.–11:00 a.m.: Assessment the Quality of Selected NRC Research Programs—Fiscal Year 2014 (Open)—The Committee will discuss of the quality of selected NRC research programs.

11:00 a.m.–5:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue their discussion of proposed ACRS reports on matters discussed during this meeting. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(3) and (4).]

5:30 p.m.–6:00 p.m.: Miscellaneous (Open)—The Committee will continue its discussion related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on November 8, 2013. In accordance with those procedures, oral or written views may (78 CFR 67205–67206) be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nNRC.gov*), five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant

ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) Public Law 92–463, and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: June 19, 2014.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2014–14866 Filed 6–24–14; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31089; 812–14262]

Elkhorn Investments, LLC and Elkhorn ETF Trust; Notice of Application

June 19, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act.

APPLICANTS: Elkhorn Investments, LLC (''Elkhorn Investments'') and Elkhorn ETF Trust (the ''Trust'').

SUMMARY: *Summary of Application:* Applicants request an order that permits: (a) Series of certain open-end management investment companies to issue shares (''Shares'') redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days from the tender of Shares for redemption; and (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units.

DATES: *Filing Dates:* The application was filed on January 9, 2014, and amended on June 4, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 14, 2014, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants, 207 Reber Street, Suite 201, Wheaton, IL 60187.

FOR FURTHER INFORMATION CONTACT: Christine Y. Greenlees, Senior Counsel, at (202) 551–6879, or David P. Bartels, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust, a business trust organized under the laws of Massachusetts, is registered with the Commission as an open-end management investment company. The applicants are requesting relief not only for the Trust and its current series, Elkhorn Enhanced Short Term Government Fund (''Initial Fund''), but also with respect to future series of the Trust, and to any registered open-end management investment companies or series thereof that may be created in the future and that utilizes active management investment strategies (''Future Funds'' and collectively with the Initial Fund, the ''Funds'').[1] Funds may invest in equity securities or fixed income securities traded in the U.S. or non-U.S. markets or a combination of equity and fixed income securities, including ''to-be-announced transactions'' (''TBAs'')[2] and depositary receipts (''Depositary Receipts'').[3] The securities, other assets, and other positions in which a Fund invests are its ''Portfolio Positions.''[4] The Trust currently expects that the Initial Fund's

[1] All entities that currently intend to rely on the requested order are named as applicants and any Fund that currently intends to rely on the requested order is identified in the application. Any other entity that relies on the requested order in the future will comply with the terms and conditions of the application.

[2] A TBA Transaction is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree on general trade parameters such as agency, settlement date, par amount and price. The actual pools delivered generally are determined two days prior to the settlement date.

[3] Depositary Receipts include American Depositary Receipts (''ADRs'') and Global Depositary Receipts (''GDRs''). With respect to ADRs, the depositary is typically a U.S. financial institution and the underlying securities are issued by a foreign issuer. The ADR is registered under the Securities Act of 1933 (''Securities Act'') on Form F–6. ADR trades occur either on a national securities exchange as defined in Section 2(a)(26) of the Act (''Listing Exchange'') or off-exchange. Financial Industry Regulatory Authority Rule 6620 requires all off-exchange transactions in ADRs to be reported within 90 seconds and ADR trade reports to be disseminated on a real-time basis. With respect to GDRs, the depositary may be a foreign or a U.S. entity, and the underlying securities may have a foreign or a U.S. issuer. All GDRs are sponsored and trade on a foreign exchange. No affiliated persons of applicants, any Adviser, Fund Sub-Adviser (as defined below), or Fund will serve as the depositary for any Depositary Receipts held by a Fund. A Fund will not invest in any Depositary Receipts that the Adviser (or, if applicable, the Fund Sub-Adviser) deems to be illiquid or for which pricing information is not readily available.

[4] If a Fund invests in derivatives: (a) The Fund's board of trustees periodically will review and approve (i) the Fund's use of derivatives and (ii) how the Fund's investment adviser assesses and manages risk with respect to the Fund's use of derivatives; and (b) the Fund's disclosure of its use of derivatives in its offering documents and periodic reports will be consistent with relevant Commission and staff guidance.

investment objective will be to seek total return by investing, under normal market conditions, at least 80% of its net assets in a portfolio of U.S. government, corporate and agency debt securities.

2. Each Fund will (a) be advised by Elkhorn Investments or an entity controlling, controlled by or under common control with Elkhorn Investments (each such entity and any successor thereto, an ''Adviser'') [5] and (b) comply with the terms and conditions stated in the application. Elkhorn Investments is a Delaware limited liability company and is registered as an investment adviser under section 203 of the Investment Advisers Act of 1940 (the ''Advisers Act''). Any other Adviser to a Fund will be registered under the Advisers Act. The Adviser may retain sub-advisers (each, a ''Fund Sub-Adviser'') in connection with the Funds; each Fund Sub-Adviser will be registered under the Advisers Act or not subject to such registration.

3. The Trust will enter into a distribution agreement with one or more distributors (''Distributor''). Each Distributor will be registered under the Securities Exchange Act of 1934, as amended (the ''Exchange Act''), and will act as Distributor and principal underwriter of the Funds. No Distributor will be affiliated with the Listing Exchange. The Distributor of any Fund may be an ''affiliated person'' or an affiliated person of an affiliated person of the Fund's Adviser or Fund Sub-Adviser.

4. Shares of each Fund will be purchased from the Trust only in large aggregations of a specified number referred to as ''Creation Units.'' Creation Units may be purchased through orders placed with the Distributor by or through an ''Authorized Participant'' which is either (1) a broker-dealer or other participant in the Continuous Net Settlement (''CNS'') System of the National Securities Clearing Corporation (''NSCC''), a clearing agency that is registered with the Commission, or (2) a participant (''DTC Participant'') in the Depository Trust Company (''DTC''), and which in either case has executed a participant agreement with the Distributor with respect to the creation and redemption of Creation Units. Purchases and redemptions of the Funds' Creation Units will be processed either through an enhanced clearing process available to DTC Participants that are also participants in the CNS system of the NSCC (the ''NSCC Process'') or through a manual clearing process that is available to all DTC Participants (the ''DTC Process'').

5. In order to keep costs low and permit each Fund to be as fully invested as possible, Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Accordingly, except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'').[6] On any given Business Day [7] the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, and these instruments may be referred to, in the case of either a purchase or redemption, as the ''Creation Basket.'' In addition, the Creation Basket will correspond pro rata to the positions in a Fund's portfolio (including cash positions),[8] except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots; [9] or (c) TBA Transactions, short positions, and other positions that cannot be transferred in-kind [10] will be excluded from the Creation Basket.[11] If there is a difference between the net asset value (''NAV'') attributable to a Creation Unit and the aggregate market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the ''Balancing Amount'').

6. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in-kind, solely under the following circumstances: (a) To the extent there is a Balancing Amount, as described above; (b) if, on a given Business Day, a Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant, a Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash; [12] (d) if, on a given Business Day, a Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC Process or DTC Process; or (ii) in the case of Funds holding non-U.S. investments (''Global Funds''), such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if a Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the

[5] For the purposes of the requested order, a ''successor'' is limited to an entity or entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

[6] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act. In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to Rule 144A under the Securities Act, the Funds will comply with the conditions of Rule 144A.

[7] Each Fund will sell and redeem Creation Units on any day the Fund is open, including as required by section 22(e) of the Act (each, a ''Business Day'').

[8] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's NAV for that Business Day.

[9] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[10] This includes instruments that can be transferred in-kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

[11] Because these instruments will be excluded from the Creation Basket, their value will be reflected in the determination of the Balancing Amount (defined below).

[12] In determining whether a particular Fund will sell or redeem Creation Units entirely on a cash or in-kind basis (whether for a given day or a given order), the key consideration will be the benefit that would accrue to the Fund and its investors. For instance, in bond transactions, the Adviser may be able to obtain better execution than Share purchasers because of the Adviser's size, experience and potentially stronger relationships in the fixed income markets. Purchases of Creation Units either on an all cash basis or in-kind are expected to be neutral to the Funds from a tax perspective. In contrast, cash redemptions typically require selling portfolio holdings, which may result in adverse tax consequences for the remaining Fund shareholders that would not occur with an in-kind redemption. As a result, tax considerations may warrant in-kind redemptions.

investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Fund holding non-U.S. investments would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in-kind.[13]

7. Each Business Day, before the open of trading on the Listing Exchange, each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Balancing Amount (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following Business Day, and there will be no intra-day changes to the Creation Basket except to correct errors in the published Creation Basket. The Listing Exchange or a major market data vendor will disseminate every 15 seconds throughout the trading day an amount representing the Fund's estimated NAV, which will be the value of the Fund's Portfolio Positions, on a per Share basis.

8. An investor purchasing or redeeming a Creation Unit will be charged a fee (''Transaction Fee'') to protect existing shareholders of the Funds from the dilutive costs associated with the purchase and redemption of Creation Units.[14] The Distributor will deliver a confirmation and Fund prospectus (''Prospectus'') to the purchaser. In addition, the Distributor will maintain records of both the orders placed with it and the confirmations of acceptance furnished by it.

9. Beneficial owners of Shares may sell their Shares in the secondary market. Shares will be listed on a Listing Exchange and traded in the secondary market in the same manner as other equity securities. Applicants state that one or more specialists or market makers will be assigned to the Shares. The price of Shares trading on the Listing Exchange will be based on a current bid/offer market. Transactions involving the sale of Shares on the Listing Exchange will be subject to customary brokerage commissions and charges.

10. Applicants expect that purchasers of Creation Units will include arbitrageurs and that Listing Exchange specialists or market makers, acting in their unique role to provide a fair and orderly secondary market for Shares, also may purchase Creation Units for use in their own market making activities.[15] Applicants expect that secondary market purchasers of Shares will include both institutional investors and retail investors.[16] Applicants state that because the market price of Creation Units will be disciplined by arbitrage opportunities, investors should be able to sell Shares in the secondary market at prices that do not vary materially from their NAV.

11. Neither the Trust nor any Fund will be advertised or marketed as a conventional open-end investment company or mutual fund. Instead, each Fund will be marketed as an ''actively-managed exchange-traded fund.'' Any advertising material that describes the features of obtaining, buying or selling Creation Units, or buying or selling Shares on the Listing Exchange, or where there is reference to redeemability, will prominently disclose that Shares are not individually redeemable and that owners of Shares may acquire Shares from a Fund and tender those Shares for redemption to a Fund in Creation Units only.

12. The Funds' Web site, which will be publicly available prior to the public offering of Shares, will include, or will include links to, each Fund's current Prospectus and Summary Prospectus (if any), which may be downloaded. That Web site, which will be publicly available at no charge, will also contain, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or the mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''), and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV. On each Business Day, before commencement of trading in Shares on the Listing Exchange, each Fund will also disclose on the Web site the identities and quantities of its Portfolio Positions held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.[17]

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Applicants request an order to permit the Trust to register as an open-end management investment company and redeem Shares in Creation Units only. Applicants state

[13] A ''custom order'' is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

[14] Where a Fund permits an in-kind purchaser to deposit cash in lieu of depositing one or more Deposit Instruments, the purchaser may be assessed a higher Transaction Fee to offset the cost to the Fund of buying those particular Deposit Instruments. In all cases, such Transaction Fees will be limited in accordance with requirements of the Commission applicable to open-end management investment companies offering redeemable securities.

[15] If Shares are listed on The NASDAQ Stock Market LLC (''Nasdaq'') or a similar electronic Stock Exchange (including NYSE Arca), one or more member firms of that Stock Exchange will act as Market Maker and maintain a market for Shares trading on that Stock Exchange. On Nasdaq, no particular Market Maker would be contractually obligated to make a market in Shares. However, the listing requirements on Nasdaq, for example, stipulate that at least two Market Makers must be registered in Shares to maintain a listing. In addition, on Nasdaq and NYSE Arca, registered Market Makers are required to make a continuous two-sided market or subject themselves to regulatory sanctions. No Market Maker will be an affiliated person or an affiliated person of an affiliated person, of the Funds, except within the meaning of section 2(a)(3)(A) or (C) of the Act due solely to ownership of Shares as discussed below.

[16] Shares will be registered in book-entry form only. DTC or its nominee will be the record or registered owner of all outstanding Shares. DTC or DTC Participants will maintain records of beneficial ownership of Shares.

[17] Under accounting procedures followed by the Funds, trades made on the prior Business Day (''T'') will be booked and reflected in NAV on the current Business Day (''T+1''). Accordingly, the Funds will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for the NAV calculation at the end of the Business Day.

that each investor is entitled to purchase or redeem Creation Units rather than trade the individual Shares in the secondary market. Applicants further state that because of the arbitrage possibilities created by the redeemability of Creation Units, it is expected that the market price of an individual Share will not vary materially from its NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security, which is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming, or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, rather than at the current offering price described in the Fund's Prospectus. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been intended (a) to prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) to prevent unjust discrimination or preferential treatment among buyers, and (c) to ensure an orderly distribution of shares by eliminating price competition from brokers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants state that (a) secondary market transactions in Shares would not cause dilution for owners of such Shares because such transactions do not involve the Trust or Funds as parties, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the proposed distribution system will be orderly because arbitrage activity will ensure that the difference between the market price of Shares and their NAV remains immaterial.

Section 22(e)

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants observe that the settlement of redemptions of Creation Units of Global Funds will be contingent not only on the settlement cycle of the U.S. securities markets but also on the delivery cycles in foreign markets in which those Funds invest. Applicants assert that, under certain circumstances, the delivery cycles for transferring Portfolio Positions to redeeming investors, coupled with local market holiday schedules, may require a delivery process of up to 15 calendar days. Applicants therefore request relief from section 22(e) in order for each Global Fund to provide payment or satisfaction of redemptions within the maximum number of calendar days required for such payment or satisfaction in the principal local market(s) where transactions in its Portfolio Positions customarily clear and settle, but in any event, within a period not to exceed fifteen calendar days.[18]

8. Applicants submit that Congress adopted section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds. Applicants state that allowing redemption payments for Creation Units of a Global Fund to be made within 15 calendar days would not be inconsistent with the spirit and intent of section 22(e).[19] Applicants state that each Global Fund's statement of additional information (''SAI'') will disclose those local holidays (over the period of at least one year following the date of the SAI), if any, that are expected to prevent the delivery of redemption proceeds in seven calendar days and the maximum number of days, up to 15 calendar days, needed to deliver the proceeds for that Global Fund. Applicants are not seeking relief from section 22(e) with respect to Global Funds that do not effect redemptions of Creation Units in-kind.

Sections 17(a)(1) and (2) of the Act

9. Section 17(a)(1) and (2) of the Act generally prohibit an affiliated person of a registered investment company, or an affiliated person of such a person (''second tier affiliate''), from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' to include any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person and any person directly or indirectly controlling, controlled by, or under common control with, the other person. Section 2(a)(9) of the Act defines ''control'' of a fund as ''the power to exercise a controlling influence over the management or policies'' of the fund and provides that a control relationship will be presumed where one person owns more than 25% of another person's voting securities. The Funds may be deemed to be controlled by an Adviser and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by an Adviser (an ''Affiliated Fund'').

10. Applicants request an exemption from section 17(a) under sections 6(c) and 17(b) to permit in-kind purchases and redemptions of Creation Units from the Funds by persons that are affiliated persons or second tier affiliates of the Funds solely by virtue of one or more of the following: (1) Holding 5% or more, or more than 25%, of the outstanding Shares of one or more Funds; (2) an affiliation with a person with an ownership interest described in (1); or (3) holding 5% or more, or more than 25%, of the shares of one or more Affiliated Funds.

11. Applicants assert that no useful purpose would be served by prohibiting the affiliated persons described above from making in-kind purchases or in-kind redemptions of Shares of a Fund in Creation Units. Both the deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions will be effected in exactly the same manner for all purchases and redemptions. The valuation of the Deposit Instruments and Redemption Instruments will be made in the same manner, and in the same manner as the Fund's Portfolio Positions, regardless of the identity of the purchaser or redeemer. Except with respect to cash determined in

[18] Applicants acknowledge that no relief obtained from the requirements of section 22(e) will affect any obligations that they may otherwise have under rule 15c6–1 under the Exchange Act, which requires that most securities transactions be settled within three business days of the trade date.

[19] Certain countries in which a Global Fund may invest have historically had settlement periods of up to 15 calendar days.

accordance with the procedures described in section I.G.1. of the application, Deposit Instruments and Redemption Instruments will be the same for all purchasers and redeemers. Therefore, applicants state that the in-kind purchases and redemptions will afford no opportunity for the specified affiliated persons of a Fund to effect a transaction detrimental to other holders of Shares of that Fund. Applicants do not believe that in-kind purchases and redemptions will result in abusive self-dealing or overreaching of the Fund.

Applicant's Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

1. As long as the Funds operate in reliance on the requested order, the Shares of the Funds will be listed on a Listing Exchange.

2. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that the Shares are not individually redeemable and that owners of the Shares may acquire those Shares from the Fund and tender those Shares for redemption to the Fund in Creation Units only.

3. The Web site for the Funds, which is and will be publicly accessible at no charge, will contain on a per Share basis, for each Fund, the prior Business Day's NAV and the market closing price or Bid/Ask Price, and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

4. On each Business Day, before commencement of trading in Shares on the Listing Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Positions held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.

5. The Adviser or any Fund Sub-Adviser, directly or indirectly, will not cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may transact with the Fund) to acquire any Deposit Instrument for the Fund through a transaction in which the Fund could not engage directly.

6. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of actively managed exchange-traded funds.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14798 Filed 6–24–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72434; File No. SR–BATS–2014–014; SR–BX–2014–021; SR–BYX–2014–007; SR–CHX–2014–06; SR–EDGA–2014–11; SR–EDGX–2014–12; SR–FINRA–2014–021; SR–ISE–2014–25; SR–NASDAQ–2014–044; SR–NSX–2014–08; SR–NYSE–2014–22; SR–NYSEArca–2014–48; SR–NYSEMKT–2014–37; SR–Phlx–2014–27]

Self-Regulatory Organizations; BATS Exchange, Inc.; BATS–Y Exchange, Inc.; NASDAQ OMX BX, Inc.; Chicago Stock Exchange, Inc.; EDGA Exchange, Inc.; EDGX Exchange, Inc.; Financial Industry Regulatory Authority, Inc.; International Securities Exchange LLC; The NASDAQ Stock Market LLC; National Stock Exchange, Inc.; New York Stock Exchange LLC; NYSE Arca, Inc.; NYSE MKT LLC; NASDAQ OMX PHLX LLC; Order Granting Approval of Proposed Rule Changes Relating to Clearly Erroneous Executions

June 19, 2014.

I. Introduction

On April 17, 2014, BATS Exchange, Inc. (''BATS''), BATS–Y Exchange, Inc. (''BATS–Y''), NASDAQ OMX BX, Inc. (''BX''), EDGA Exchange, Inc. (''EDGA''), EDGX Exchange, Inc. (''EDGX''), Financial Industry Regulatory Authority, Inc. (''FINRA''), International Securities Exchange LLC (''ISE''), The NASDAQ Stock Market LLC (''Nasdaq''), National Stock Exchange, Inc. (''NSX''), and NASDAQ OMX PHLX LLC (''Phlx'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] proposed rule changes to amend certain of their respective rules relating to clearly erroneous transactions. On April 21, 2014, New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc. (''NYSE Arca'') and NYSE MKT LLC (''NYSE MKT'') filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [3] and Rule 19b–4 thereunder,[4] proposed rule changes to amend certain of their respective rules relating to clearly erroneous transactions. On April 22, 2014, Chicago Stock Exchange, Inc. (''CHX'') filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [5] and Rule 19b–4 thereunder,[6] proposed rule changes to amend certain of its respective rules relating to clearly erroneous transactions. The proposed rule changes were published for comment in the **Federal Register** on May 6, 2014.[7] The Commission received no comments on the proposed changes. This order approves the proposed rule changes.

II. Description of the Proposal

A. Background

The U.S. equity markets experienced a severe disruption on May 6, 2010.[8] Severe price volatility led to a large number of trades being executed at temporarily depressed prices, including many that occurred at prices dramatically away from pre-decline levels. BATS, BX, CHX, EDGA, EDGX, ISE, Nasdaq, NSX, NYSE, NYSE Arca, NYSE MKT (collectively, and, together with BATS–Y and Phlx, the ''Exchanges'') and FINRA (collectively, the ''self-regulatory organizations'' or the ''SROs'') exercised their authority under their clearly erroneous executions rules to break trades that were effected at prices 60% or more away from pre-decline prices, using a process that was not sufficiently clear or transparent to market participants. To clarify the clearly erroneous execution review process across all SROs, and reduce the discretion of the Exchanges and FINRA to deviate from the objective standards in their respective rules when dealing with clearly erroneous transactions, the Exchanges and FINRA filed proposed rule changes to, among other things, establish clear thresholds for when

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(1).

[4] 17 CFR 240.19b–4.

[5] 15 U.S.C. 78s(b)(1).

[6] 17 CFR 240.19b–4.

[7] *See* Securities Exchange Act Release Nos. 72044 (April 30, 2014), 79 FR 25919; 72045 (April 30, 2014), 79 FR 25943; 72046 (April 30, 2014), 79 FR 25972; 72047 (April 30, 2014), 79 FR 25940; 72048 (April 30, 2014), 79 FR 25976; 72049 (April 30, 2014), 79 FR 25951; 72050 (April 30, 2014), 79 FR 25933; 72051 (April 30, 2014), 79 FR 25954; 72052 (April 30, 2014), 79 FR 25958; 72053 (April 30, 2014), 79 FR 25965; 72054 (April 30, 2014), 79 FR 25947; 72055 (April 30, 2014), 79 FR 25961; 72056 (April 30, 2014), 79 FR 25968; and 72057 (April 30, 2014), 79 FR 25937 (collectively, the ''Notices'').

[8] The events of May 6, 2010 are described more fully in the report of the staffs of the Commodity Futures Trading Commission (''CFTC'') and the Commission, titled *Report of the CFTC and SEC to the Joint Advisory Committee on Emerging Regulatory Issues,* ''Preliminary Findings Regarding the Market Events of May 6, 2010,'' dated May 18, 2010.

trades should be broken and to limit the discretion to deviate from specified percentage thresholds at which trades would be broken in many situations, including those where the single-stock circuit breakers are applicable and in other larger ''Multi-Stock Events'' involving five or more securities.[9] These proposed rule changes were approved on a pilot basis by the Commission.[10]

In January 2013, the Exchanges and FINRA adopted a provision in their clearly erroneous executions rules designed to address the operation of the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'').[11] Subsequently, the Exchanges and FINRA removed the specific provisions in the clearly erroneous executions rules related to individual stock trading pauses,[12] and recently extended the pilot program to coincide with the pilot period for the Limit Up-Limit Down Plan, including any extensions to the pilot period for the Limit Up-Limit Down Plan.[13]

B. The Proposed Rule Changes

The Exchanges and FINRA now propose to adopt two new provisions in their respective clearly erroneous executions rules, as discussed below. Additionally, the SROs propose to update certain cross-references in their clearly erroneous executions rules to reflect the addition of the new proposed rules. The proposals of each of the Exchanges and FINRA are substantially similar.[14]

1. Multi-Day Event Based on Fundamentally Incorrect or Grossly Misinterpreted Issuance Information

The Exchanges and FINRA propose to adopt a new paragraph in their respective clearly erroneous executions rules that would provide that a series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information (*e.g.,* with respect to a stock split or corporate dividend) resulting in a severe valuation error for all such transactions (the ''Multi-Day Event'').[15]

The Exchanges and FINRA propose that an officer of an Exchange or FINRA, or a senior level employee designee (as applicable) (collectively, ''Officer''), acting on his or her own motion, shall take action to declare all transactions that occurred during the Multi-Day Event null and void not later than the start of trading on the day following the last transaction in the Multi-Day Event. If trading in the security is halted before the valuation error is corrected, the Officer shall take action to declare all transactions that occurred during the Multi-Day Event null and void prior to the resumption of trading. However, no action would be permitted pursuant to the proposed paragraph with respect to any transactions that have reached the settlement date for the security or that result from an initial public offering (''IPO'') of a security.

Further, the Exchanges and FINRA propose that to the extent transactions related to a Multi-Day Event involve one or more other SROs, the affected SROs would be required to promptly coordinate with each other to ensure consistent treatment of the transactions related to the Multi-Day Event, if practicable. The Exchanges and FINRA also propose that any action taken in connection with the proposed paragraph would be required to be taken without regard to the numerical guidelines set forth in the clearly erroneous executions rules of each Exchange and FINRA.[16]

The Exchanges and FINRA also propose to include a provision stating that each party involved in a transaction subject to the proposed paragraph would be required to be notified as soon as practicable of a determination to declare such transaction null and void, and that the party aggrieved by such action may appeal in accordance with the applicable appeals provision of each

[9] *See* Securities Exchange Act Release Nos. 62330 (June 21, 2010), 75 FR 36725 (June 28, 2010); 62331 (June 21, 2010), 75 FR 36746 (June 28, 2010); 62332 (June 21, 2010), 75 FR 36749 (June 28, 2010); 62333 (June 21, 2010), 75 FR 36759 (June 28, 2010); 62334 (June 21, 2010), 75 FR 36732 (June 28, 2010); 62335 (June 21, 2010), 75 FR 37494 (June 29, 2010); 62336 (June 21, 2010), 75 FR 36743 (June 28, 2010); 62337 (June 21, 2010), 75 FR 36739 (June 28, 2010); 62338 (June 21, 2010), 75 FR 36762 (June 28, 2010); 62339 (June 21, 2010), 75 FR 36765 (June 28, 2010); 62340 (June 21, 2010), 75 FR 36768 (June 28, 2010); 62341 (June 21, 2010), 75 FR 36756 (June 28, 2010); and 62342 (June 21, 2010), 75 FR 36752 (June 28, 2010).

[10] *See* Securities Exchange Act Release Nos. 62885 (September 10, 2010), 75 FR 56641 (September 16, 2010); 62886 (September 10, 2010), 75 FR 56613 (September 16, 2010).

[11] *See* Securities Exchange Release Nos. 68797 (January 31, 2013), 78 FR 8635 (February 6, 2013); 68798 (January 31, 2013), 78 FR 8628 (February 6, 2013); 68801 (February 1, 2013), 78 FR 8630 (February 6, 2013); 68802 (February 1, 2013), 78 FR 9092 (February 7, 2013); 68803 (February 1, 2013), 78 FR 9078 (February 7, 2013); 68804 (February 1, 2013), 78 FR 8677 (February 6, 2013); 68808 (February 1, 2013), 78 FR 9083 (February 7, 2013); 68809 (February 1, 2013), 78 FR 9081 (February 7, 2013); 68813 (February 1, 2013), 78 FR 9073 (February 7, 2013); 68814 (February 1, 2013), 78 FR 9086 (February 7, 2013); 68818 (February 1, 2013), 78 FR 9100 (February 7, 2013); 68819 (February 1, 2013), 78 FR 9438 (February 8, 2013); 68820 (February 1, 2013), 78 FR 9436 (February 8, 2013); and 68822 (February 4, 2013), 78 FR 9440 (February 8, 2013).

[12] *See* Securities Exchange Act Release Nos. 70510 (September 26, 2013), 78 FR 60991 (October 2, 2013); 70511 (September 26, 2013), 78 FR 60941 (October 2, 2013); 70512 (September 26, 2013), 78 FR 60965 (October 2, 2013); 70513 (September 26, 2013), 78 FR 60973 (October 2, 2013); 70514 (September 26, 2013), 78 FR 60963 (October 2, 2013); 70515 (September 26, 2013), 78 FR 60945 (October 2, 2013); 70516 (September 26, 2013), 78 FR 60952 (October 2, 2013); 70517 (September 26, 2013), 78 FR 60943 (October 2, 2013); 70518 (September 26, 2013), 78 FR 60950 (October 2, 2013); 70519 (September 26, 2013), 78 FR 60969 (October 2, 2013); 70529 (September 26, 2013), 78 FR 60977 (October 2, 2013); 70541 (September 27, 2013), 78 FR 61431 (October 3, 2013); 70542 (September 27, 2013), 78 FR 61427 (October 3, 2013); and 70589 (October 1, 2013), 78 FR 62782 (October 22, 2013).

[13] *See* Securities Exchange Act Release Nos. 71781 (March 24, 2014), 79 FR 17615 (March 28, 2014); 71782 (March 24, 2014), 79 FR 17630 (March 28, 2014); 71783 (March 24, 2014), 79 FR 17617 (March 28, 2014); 71784 (March 24, 2014), 79 FR 17610 (March 28, 2014); 71785 (March 24, 2014), 79 FR 17621 (March 28, 2014); 71795 (March 25, 2014), 79 FR 18089 (March 31, 2014); 71796 (March 25, 2014), 79 FR 18099 (March 31, 2014); 71797 (March 25, 2014), 79 FR 18108 (March 31, 2014); 71806 (March 26, 2014), 79 FR 18375 (April 1, 2014); 71807 (March 26, 2014), 79 FR 18087 (March 31, 2014); 71808 (March 26, 2014), 79 FR 18355 (April 1, 2014); 71809 (March 26, 2014), 79 FR 18353 (April 1, 2014); 71820 (March 27, 2014), 79 FR 18595 (April 2, 2014); and 71821 (March 27, 2014), 79 FR 18592 (April 2, 2014).

[14] While certain Exchanges only propose to permit an Exchange officer to declare transactions null and void for purposes of the proposed rules, BATS, BATS–Y, CHX, EDGA, EDGX, ISE, NSX and Phlx each propose to permit a senior level designee to act as an officer for purposes of the proposed rules and FINRA proposes to permit the executive vice president of its Market Regulation Department or Transparency Service Department or any officer designated by such executive vice president to act as a FINRA officer for purposes of the proposed rules. In addition, FINRA proposes to make additional changes to its rule addressing clearly erroneous transactions in exchange-listed securities, including replacing ''market centers'' and ''markets'' with ''other self-regulatory organizations'' to categorize the Exchanges and FINRA in the same manner (as self-regulatory organizations); and other technical or clarifying changes.

[15] As an example of a Multi-Day Event contemplated by the proposed paragraph, the Notices refer to a specific event involving an exchange offer made by U.S. Bancorp on the NYSE in 2010, in which depositary shares of U.S. Bancorp traded over the course of a period of days at a price approximately one-tenth the actual value of the security (the ''U.S. Bancorp Event''). The NYSE filed an emergency rule filing to nullify all trades occurring after the exchange offer at severely dislocated prices. *See* Notices, *supra* note 7 (describing Securities Exchange Act Release No. 62609 (July 30, 2010), 75 FR 47327 (August 5, 2010)).

[16] *See e.g.,* BATS Rule 11.17(c)(3); Nasdaq Rule 11890(a)(2)(C)(1); FINRA Rule 11892(b)(1). For example, an Officer would have the authority to nullify transactions resulting from a stock split that were based on fundamentally incorrect or grossly misinterpreted issuance information, even if such transactions were effected at prices consistent with the price at which the security was previously trading. The transactions in this particular example would not meet the applicable numerical guidelines, but would be considered clearly erroneous for purposes of the proposed paragraph because they should have been effected at prices well away from the actual execution prices.

Exchange or FINRA's clearly erroneous executions rules.[17]

2. Trading Halts

The Exchanges and FINRA also propose to adopt an additional paragraph in their respective clearly erroneous executions rules relating to transactions resulting from certain disruptions or malfunctions in connection with a regulatory trading halt, suspension or pause (''trading halt'') in a security. Specifically, in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market. In addition, the Exchanges and FINRA propose that, in the event a trading halt is declared, then prematurely lifted in error, and then re-instituted, an Officer, acting on his or her own motion shall nullify transactions that occur before the official, final end of the trading halt according to the primary listing market. In the event that a trading halt is declared as of a future time, the Exchanges and FINRA would nullify only those transactions occurring after the time the trading halt was supposed to be in place until the official end of the trading halt according to the primary listing market.

The Exchanges and FINRA propose that any action taken in connection with the proposed paragraph would be taken in a timely fashion, generally within thirty minutes of the detection of the erroneous transaction and in no circumstances later than the start of regular market hours, generally between 9:30 a.m. EST to 4:00 p.m. EST, on the trading day following the date of execution(s) under review. The Exchanges and FINRA also propose that any action taken in connection with the proposed rule would be required to be taken without regard to the numerical guidelines set forth in their respective clearly erroneous executions rules[18] because such transactions should not have occurred during a trading halt, and thus, nullifying them, or declaring them null and void would not put the parties in a different position. Lastly, the Exchanges and FINRA also propose to include a provision stating that each party involved in a transaction subject to the proposed paragraph would be required to be notified as soon as practicable of a determination to nullify such transaction, and that the party aggrieved by such action may appeal in accordance with the applicable appeals provision of each Exchange or FINRA's clearly erroneous executions rules.[19]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and national securities associations.[20] In particular, the Commission finds that the proposed rule changes submitted by the Exchanges and FINRA are consistent with the requirements of Section 6(b)(5) of the Act[21] (in the case of the Exchanges) and Section 15A(b)(6) of the Act[22] (in the case of FINRA) which require, among other things, that the rules of national securities exchanges and FINRA, respectively, must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

In the Commission's view, the proposed rule changes will continue to help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule changes also should help continue to assure consistent results in handling erroneous trades across the U.S. markets, thus furthering fair and orderly markets and the protection of investors and the public interest. Specifically, the Commission believes that the provision relating to the handling of Multi-Day Events effected based on the same fundamentally incorrect or grossly misinterpreted issuance information that results in a severe valuation error should contribute to a more transparent process, and help achieve a fair and equitable result, on the very rare occasions such events occur. The Commission believes that the proposed trading halt provision should help to increase certainty and transparency with respect to transactions that inadvertently occur during trading halts due to a technology failure. The Commission notes that these transactions should not have occurred in the first place, and that the proposed rule change provides certainty to market participants that these transactions will be nullified promptly through an objective and transparent process.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[23] that the proposed rule changes, SR–BATS–2014–014; SR–BX–2014–021; SR–BYX–2014–007; SR–CHX–2014–06; SR–EDGA–2014–11; SR–EDGX–2014–12; SR–FINRA–2014–021; SR–ISE–2014–25; SR–NASDAQ–2014–044; SR–NSX–2014–08; SR–NYSE–2014–22; SR–NYSEArca–2014–48; SR–NYSEMKT–2014–37; SR–Phlx–2014–27, be, and hereby are, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14779 Filed 6–24–14; 8:45 am]

BILLING CODE 8011–01–P

[17] *See e.g.,* BATS Rule 11.17(e)(2); Nasdaq Rule 11890(c); FINRA Rule 11894.

[18] *See supra* note 16.

[19] *See supra* note 17.

[20] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[21] 15 U.S.C. 78f(b)(5).

[22] 15 U.S.C. 78*o*–3(b)(6).

[23] 15 U.S.C. 78s(b)(2).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72437; File No. SR–ICC–2014–06]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change To Provide for the Clearance of Additional Non-Investment Grade Instruments on Standard North American Corporate Single Name Reference Entities

June 19, 2014.

I. Introduction

On April 25, 2014, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–ICC–2014–06 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the **Federal Register** on May 14, 2014.[3] The Commission received no comment letters regarding the proposed change. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

II. Description

ICC is proposing to expand its product offering to provide for the clearance of additional non-investment grade instruments on Standard North American Corporate Single Name reference entities. ICC has stated that the term ''non-investment grade'' refers to those Standard North American Corporate Single Names which reference an entity that has been assigned a debt rating of below ''BBB-'' by Moody's, below ''Baa3'' by S&P, or is not rated.

ICC has also stated that the risk profiles (as related to underlying debt rating) of these new non-investment grade instruments on Standard North American Corporate Single Name reference entities are similar to certain Standard North American Corporate Single Name and Standard Emerging Sovereign Single Name CDS contracts currently cleared at ICC with similar debt ratings to the proposed non-investment grade instruments. ICC currently clears investment grade instruments on Standard North American Corporate Single Name reference entities. ICC contends that the debt ratings of the entities that these contracts reference may change over time, resulting in an investment grade single name becoming a non-investment grade single name. ICC states that it already clears eleven non-investment grade instruments on Standard North American Corporate Single Name reference entities as a result of such changes. ICC also states that it clears certain Standard Emerging Sovereign Single Name CDS contracts, which reference countries with debt ratings similar to the additional non-investment grade instruments on Standard North American Corporate Single Name reference entities that ICC is proposing to clear.

ICC has also stated that the additional non-investment grade instruments on Standard North American Corporate Single Name reference entities have terms consistent with the Standard North American Corporate Single Names currently cleared by ICC and governed by Section 26B of the ICC Rules.

[3] Securities Exchange Act Release No. 34–72124 (May 8, 2014), 79 FR 27669 (May 14, 2014) (SR–ICC–2014–06).

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[4] directs the Commission to approve a proposed rule change of a self-regulatory organization if the Commission finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such self-regulatory organization. Section 17A(b)(3)(F) of the Act[5] requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest. As part of the process of preparing this order, the Commission reviewed information and representations of ICC.

The Commission finds that the proposed rule change is consistent with Section 17A of the Act[6] and the rules thereunder applicable to ICC. The proposed rule change will provide for clearing of new CDS contracts on non-investment grade reference entities. These contracts are substantially similar to the Standard North American Corporate Single Name contracts currently cleared by ICC, and the new contracts will be cleared pursuant to ICC's existing clearing arrangements and related financial safeguards, protections and risk management framework, including policies and procedures. The Commission believes that the proposal is therefore consistent with the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[7]

Specifically, the Commission finds that clearing of the new non-investment grade instruments on Standard North American Corporate Single Name reference entities by ICC is consistent with the requirements of Rule 17Ad–22.[8] In particular, in terms of financial resources, ICC represents that its existing margin methodology, when applying to the clearing of the new contracts, will be reasonably designed to provide sufficient margin to cover ICC's credit exposure to its clearing members from clearing the existing contracts and the new contracts,[9] consistent with the requirements of Rule 17Ad–22(b)(2).[10] In addition, based on representations and information provided by ICC, under its existing methodology, ICC's Guaranty Fund, together with the required margin, will provide sufficient financial resources to support the clearing of the additional contracts consistent with the requirements of Rule 17Ad–22(b)(3).[11] Because the new contracts are substantially similar to existing products already cleared by ICC, ICC already has in place operational and managerial resources sufficient for clearing of the additional contracts, consistent with the requirements of Rule 17Ad–22(d)(4).[12] Furthermore, ICC's existing settlement procedures and account structures will apply to the new contracts, consistent with the requirements of Rules 17Ad–22(d)(5), (12) and (15)[13] relating to the finality, accuracy and risk mitigation of its daily settlement process. Finally, ICC will apply its existing default management policies and procedures for the new contracts, allowing it to take timely action to contain losses and liquidity pressures and to continue meeting its obligations in the event of clearing member insolvencies or defaults in respect of the new single names, in accordance with Rule 17Ad–22(d)(11).[14]

[4] 15 U.S.C. 78s(b)(2)(C).

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] 15 U.S.C. 78q–1.

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 17 CFR 240.17Ad–22.

[9] ICC acknowledges that, if clearing of any non-investment grade instruments on standard North American corporate single name reference entities would result in changes to its existing margin methodology or risk policies and procedures, it would be required to submit a rule filing to seek approval of clearing such additional non-investment grade instruments and change of its risk methodology and policies and procedures.

[10] 17 CFR 240.17Ad–22(b)(2).

[11] 17 CFR 240.17Ad–22(b)(3).

[12] 17 CFR 240.17Ad–22(d)(4).

[13] 17 CFR 240.17Ad–22(d)(5), (12) and (15).

[14] 17 CFR 240.17Ad–22(d)(11).

[15] 15 U.S.C. 78q–1.

[16] 15 U.S.C. 78s(b)(2).

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[15] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[16] that the

proposed rule change (File No. SR–ICC–2014–06) be, and hereby is, approved.[17]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14781 Filed 6–24–14; 8:45 am]

BILLING CODE 8011–01–P

[17] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72433; File No. SR–NYSEArca–2014–69]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Holdings in Equity Securities by the Peritus High Yield ETF

June 19, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 10, 2014, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to reflect a change to the holdings to be implemented by the Peritus High Yield ETF to achieve its investment objective with respect to holdings in equity securities. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved a proposal to list and trade on the Exchange shares (''Shares'') of the Peritus High Yield ETF (''Fund'') under NYSE Arca Equities Rule 8.600,[4] which governs the listing and trading of Managed Fund Shares.[5]

The Shares are offered by AdvisorShares Trust (the ''Trust''), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[6] The Fund's Shares are currently listed and traded on the Exchange under NYSE Arca Equities Rule 8.600.

The investment adviser to the Fund is AdvisorShares Investments, LLC (the ''Adviser''). Peritus I Asset Management, LLC is the Fund's sub-adviser (''Peritus'' or the ''Sub-Adviser'').

According to the Registration Statement and as stated in the Prior Release, the Fund's investment objective is to achieve high current income with a secondary goal of capital appreciation. The Sub-Adviser seeks to achieve the Fund's investment objective by selecting, among other investments, a focused portfolio of high yield debt securities, which include senior and subordinated corporate debt obligations (such as bonds, debentures, notes and commercial paper). The Fund does not have any portfolio maturity limitation and may invest its assets from time to time primarily in instruments with short-term, medium-term or long-term maturities. The Adviser represents that the investment objective of the Fund is not changing.

The Fund currently is permitted to invest no more than 10% of the Fund's net assets in equity securities that the Sub-Adviser believes will yield high dividends.[7]

The Exchange proposes to reflect a change to be implemented by the Fund with respect to the holdings in equity securities to increase the percentage of Fund assets that generally may be invested in equity securities to no more than 20% of the Fund's net assets. Thus, in addition to the investments referenced in the Prior Release and the Leveraged Loan Release, the Fund will seek to invest generally no more than 20% of its net assets in equity securities that the Sub-Adviser believes will yield high dividends.[8] According to the Registration Statement and, as stated in the Equity Investment Release, equity securities in which the Fund may invest will include common stock, preferred stock, warrants, convertible securities, rights, master limited partnerships, depositary receipts (including American Depositary Receipts (''ADRs'') and Global Depositary Receipts (''GDRs'', together with ADRs, ''Depositary

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 63329 (November 17, 2010), 75 FR 71760 (November 24, 2010) (SR–NYSEArca–2010–86) (the ''Prior Order''). The notice with respect to the Prior Order was published in Securities Exchange Act Release No. 63041 (October 5, 2010), 75 FR 62905 (October 13, 2010) (''Prior Notice'' and, together with the Prior Order, the ''Prior Release'').

[5] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[6] The Trust is registered under the 1940 Act. On October 29, 2012, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) and the 1940 Act relating to the Fund (File Nos. 333–157876 and 811–22110) (the ''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 29291 (May 28, 2010) (File No. 812–13677) (''Exemptive Order'').

[7] *See* Securities Exchange Act Release No. 66818 (April 17, 20120 [sic], 77 FR 24233 (April 23, 2012) (SR–NYSEArca–2012–33) (notice of filing and immediate effectiveness of proposed rule change relating to the Fund's investment in equity securities) (''Equity Investment Release''). The Exchange also filed a proposed rule change to reflect a change in the Fund's holdings to allow investment of up to 20% of the Fund's net assets in leveraged loans. See Securities Exchange Act Release No. 70284 (August 29, 2013), 78 FR 54715 (September 5, 2013) (SR–NYSEArca–2013–83) (notice of filing and immediate effectiveness of proposed rule change relating to Fund investments in leveraged loans) (''Leveraged Loan Release'' and, together with the Prior Release and the Equity Investment Release, the ''Prior Releases'').

[8] The change to the Fund's holdings to include equity securities will be effective upon filing with the Commission of an amendment to the Trust's Registration Statement on Form N–1A, and shareholders will be notified of such change by means of such amendment.

Receipts''),[9] and real estate investment trusts. Depositary Receipts held by the Fund may be sponsored or unsponsored, provided that no more than 10% of the Fund's net assets will be invested in unsponsored Depositary Receipts. With the exception of unsponsored Depositary Receipts, all equity securities held by the Fund will be listed and traded on U.S national securities exchanges, all of which are members of the Intermarket Surveillance Group (''ISG'').

Pursuant to the terms of the Exemptive Order, the Fund will not invest in options contracts, futures contracts or swap agreements. The Fund's investments will be consistent with its investment objective and will not be used to enhance leverage.

As stated in the Prior Release, on each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund discloses on its Web site the Disclosed Portfolio, which will include information relating to equity securities, among other investments, that will form the basis for the Fund's calculation of net asset value (''NAV'') at the end of the business day. For purposes of calculating NAV, unsponsored Depositary Receipts are valued on the basis of the market closing price on the exchange where the stock of the foreign issuer that underlies such unsponsored Depositary Receipts is listed. The intra-day, closing and settlement prices for exchange-listed equity securities held by the Fund, including exchange-listed Depositary Receipts are also readily available from the national securities exchanges trading such securities. Pricing information for unsponsored Depositary Receipts is available from automated quotation systems, published or other public sources, or on-line information services. All representations made in the Prior Release regarding the availability of information relating to the Shares, trading halts, trading rules, the Portfolio Indicative Value and surveillance, among others, will continue to apply to trading in the Shares.

The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. The Exchange may obtain information via the ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. No more than 10% of the Fund's net assets will be invested in unsponsored Depositary Receipts. With the exception of unsponsored Depositary Receipts, all equity securities held by the Fund will be listed and traded on U.S national securities exchanges.

The Adviser represents that the proposed change to permit an increased investment in equity securities, as described above, is consistent with the Fund's investment objective, and will further assist the Adviser and Sub-Adviser to achieve such investment objective. Specifically, by investing an increased portion of the Fund's net assets in equity securities, the Fund will have additional flexibility to achieve high current income through investments in dividend-paying equity securities, and to achieve the secondary goal of capital appreciation through possible price appreciation of such equity investments. Except for the change noted above, all other representations made in the Prior Releases remain unchanged.[10] The Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[11] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange may obtain information via the ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. No more than 10% of the Fund's net assets will be invested in unsponsored Depositary Receipts. With the exception of unsponsored Depositary Receipts, all equity securities held by the Fund will be listed and traded on U.S national securities exchanges.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the NAV per Share is calculated daily and that the NAV and the Disclosed Portfolio is made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Fund and the Shares, thereby promoting market transparency. The Portfolio Indicative Value, as defined in NYSE Arca Equities Rule 8.600(c)(3), is disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund discloses on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares is and will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information is available via the Consolidated Tape Association high-speed line. The intra-day, closing and settlement prices for exchange-listed equity securities held by the Fund, including exchange-listed Depositary Receipts are also readily available from the national securities exchanges trading such securities. Pricing information for unsponsored Depositary Receipts is available from automated quotation systems, published or other public sources, or on-line information services. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Trading in the Shares is subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth

[9] According to the Registration Statement, ADRs and GDRs are certificates evidencing ownership of shares of a foreign issuer. These certificates are issued by depositary banks and generally trade on an established market in the United States or elsewhere. The underlying shares are held in trust by a custodian bank or similar financial institution in the issuer's home country. The depositary bank may not have physical custody of the underlying securities at all times and may charge fees for various services, including forwarding dividends and interest and corporate actions.

[10] *See* notes 4 and 7, *supra.* All terms referenced but not defined herein are defined in the Prior Release.

[11] 15 U.S.C. 78f(b)(5).

circumstances under which Shares of the Fund may be halted. The Web site for the Fund includes a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. In addition, as stated in the Prior Notice, investors have ready access to information regarding the Fund's holdings, the Portfolio Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as stated in the Prior Release, investors have ready access to information regarding the Fund's holdings, the Portfolio Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange believes the proposed rule change, in permitting the Fund utilize a higher percentage of U.S. exchange-listed equity securities as part of its portfolio to achieve its investment objective, will enhance competition among issues of Managed Fund Shares that invest in fixed income and equity securities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6)(iii) thereunder.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2014–69 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2014–69. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2014–69 and should be submitted on or before July 16, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14778 Filed 6–24–14; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72432; File No. SR–DTC–2014–08]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change To Transfer the NIIDS Service to a Non-Clearing Agency Affiliate

June 19, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 5, 2014, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to DTC's Operational Arrangements (''Operational Arrangements'') pursuant to which DTC will transfer its New Issue Information Dissemination System (''NIIDS'') service to a non-clearing agency affiliate of DTC.[3]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As more fully described in this proposed rule change, NIIDS is an information service only and does not relate to the performance of a clearing or settlement function.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2008, the Commission approved the establishment of the NIIDS service at DTC.[4] The NIIDS service was designed to improve the process by which information pertaining to the reporting, comparison, confirmation and settlement of trades (''NIIDS Data Elements'') with respect to new issues in municipal securities (''New Municipal Issues'') might be provided by underwriters thereof to information vendors or other users of such information (''Subscribers'').

The NIIDS service originates with making a New Municipal Issue DTC eligible. The lead underwriter or other authorized representative of such New Municipal Issue (''Dissemination Agent'') electronically inputs NIIDS Data Elements into DTC's underwriting system, and to the extent it chooses to, the Dissemination Agent may authorize DTC to disseminate[5] the NIIDS Data Elements as set forth in DTC's Operational Arrangements. At present, when the Dissemination Agent gives such authorization, DTC disseminates the applicable NIIDS Data Elements directly to Subscribers.[6]

Under the proposed rule change, Dissemination Agents will continue to electronically input NIIDS Data Elements into DTC's underwriting system for purposes of processing the underwriting and closing of New Municipal Issues through DTC; however, the dissemination activities with respect to such information will be transferred by DTC to a non-clearing agency affiliate thereof (''NIIDS Disseminator''). Following the proposed rule change, once DTC has received authorization from the Dissemination Agent to disseminate, DTC will make such information available to the NIIDS Disseminator only. The NIIDS Disseminator may then deal directly with parties wishing to obtain the information, including but not limited to current Subscribers.

Although the NIIDS service originates with data provided to DTC for purposes of processing the underwriting and closing of a New Municipal Issue through DTC, the NIIDS service is strictly a dissemination service (i.e., the dissemination of NIIDS Data Elements (and related information) to Subscribers). Dissemination of such information to Subscribers is not a clearing agency function, and accordingly, the dissemination of the information to appropriate contractual counterparties subscribing for that information might be done by an entity that is not a registered clearing agency.

As DTC will continue to be only a conduit of the information and does not and will not confirm the validity of any of the NIIDS Data Elements, the inputting of NIIDS Data Elements, and the subsequent use thereof, by any party will constitute a waiver of any and all claims (whether direct or indirect) against DTC and its affiliates and an agreement that DTC and its affiliates shall not be liable for any loss or damages in relation to the collection and any subsequent dissemination of NIIDS Data Elements and related information. In addition, any party that inputs NIIDS Data Elements or thereafter uses such NIIDS Data Elements and related information agrees to indemnify and hold DTC and its affiliates harmless from and against any and all losses, damages, liabilities, costs, judgments, charges, and expenses incurred by such party arising out of or relating to the collection and subsequent dissemination of the NIIDS Data Elements.

The date on which DTC will transfer the NIIDS service will be set forth in a subsequent Important Notice to DTC Participants.

2. Statutory Basis

DTC believes that the proposed rule change is consistent with the requirements of the Act, specifically Section 17A(b)(3)(F),[7] and the rules and regulations thereunder applicable to DTC, because the NIIDS Service is not a clearing agency function. The transfer of this service will provide for a more efficient allocation of DTC's resources, which will promote the prompt and accurate clearance and settlement of securities transactions in accordance with the Act.

B. Clearing Agency's Statement on Burden on Competition

DTC does not believe that the proposed rule change will have any impact, or impose any burden on competition.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. DTC will notify the Commission of any written comments received by DTC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–DTC–2014–08 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–DTC–2014–08. This file number should be included on the subject line if email is used. To help the

[4] Securities Exchange Act Release No. 57768 (May 2, 2008), 73 FR 26181 (May 8, 2008) (SR–DTC–2007–10).

[5] DTC's underwriting system with respect to New Municipal Issues offers an authorization indicator where the Dissemination Agent provides its request to and consent for DTC to disseminate the information.

[6] A Dissemination Agent's authorization to disseminate also includes authorization to disseminate the name and contact information of such Dissemination Agent and the time at which the NIIDS Data Elements were input.

[7] 15 U.S.C. 78q–1(b)(3)(F).

Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of DTC and on DTC's Web site at *http://dtcc.com/legal/sec-rule-filings.aspx*. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–DTC–2014–08 and should be submitted on or before July 16, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14780 Filed 6–24–14; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72436; File No. SR–NYSEArca–2014–70]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Use of U.S. Exchange-Listed Options by the AdvisorShares EquityPro ETF (Formerly, the Global Alpha & Beta ETF)

June 19, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 10, 2014, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to reflect a change to the means of achieving the investment objective with respect to the AdvisorShares EquityPro ETF (formerly, the Global Alpha & Beta ETF). Shares of the AdvisorShares EquityPro ETF are currently listed and traded on the Exchange. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved listing and trading on the Exchange of shares (''Shares'') of the AdvisorShares EquityPro ETF (formerly, the Global Alpha & Beta ETF) (''Fund''), a series of AdvisorShares Trust (''Trust'')[3] under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares. Shares of the Fund are currently listed and traded on the Exchange.

[3] *See* Securities Exchange Act Release No. 67277 (June 27, 2012), 77 FR 39554 (July 3, 2012) (SR–NYSEArca–2012–39) (''Prior Order''). *See also* Securities Exchange Act Release No. 66973 (May 11, 2012), 77 FR 29429 (May 17, 2012) (SR–NYSEArca–2012–39) (''Prior Notice,'' and together with the Prior Order, the ''Prior Release'').

The Shares are offered by the Trust, which is registered with the Commission as an open-end management investment company.[4] The investment advisor to the Fund is AdvisorShares Investments, LLC (the ''Adviser''). The sub-adviser for the Fund is Elements Financial, PLC (the ''Sub-Adviser'').[5] Neither the Adviser nor the Sub-Adviser is a registered broker-dealer or is affiliated with a broker-dealer.

In this proposed rule change, the Exchange proposes to reflect a change to the means the Adviser will utilize to implement the Fund's investment objective to permit investments in U.S. exchange-listed options, as described below.

The Prior Release stated that the Fund's investment objective is long-term capital growth.[6] The Prior Release further stated that the Fund will not invest in options contracts, futures contracts, or swap agreements.

Going forward, the Adviser wishes to revise this representation to state that the Fund may invest up to 10% of the Fund's net assets in the following types of options: U.S. exchange-listed index options; U.S. exchange-listed individual stock options; or U.S. exchange-listed exchange-traded fund (''ETF'') options. All U.S. options exchanges are members of the Intermarket Surveillance Group (''ISG''). The Fund may seek to invest in options contracts in order to gain market exposure and/or to hedge against a market decline.[7]

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are

[4] The Trust is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1). On January 30, 2012, the Trust filed with the Commission Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a), and under the 1940 Act relating to the Fund (File Nos. 333–157876 and 811–22110) (''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 29291) (May 28, 2010) (File No. 812–13677) (''Exemptive Order'').

[5] The Fund's previous sub-adviser was Your Source Financial, PLC.

[6] The change to the Fund's name was reflected in an amendment to the Trust's Registration Statement.

[7] The changes described herein will be effective contingent upon effectiveness of an amendment to the Trust's Registration Statement. *See supra,* note 5. The Adviser represents that the Adviser and the Sub-Adviser have managed and will continue to manage the Fund in the manner described in the Prior Release, and the Fund will not implement the proposed amendment described herein until the instant proposed rule change is operative.

designed to detect violations of Exchange rules and applicable federal securities laws.[8] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. The Fund's investment in options will not be used to enhance leverage.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in options (in addition to the exchange-traded assets referenced in the Prior Release) with other markets and other entities that are members of the ISG,[9] and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in options (in addition to the exchange-traded assets referenced in the Prior Release) from such markets and other entities. In addition, the Exchange may obtain information regarding trading in options (in addition to the exchange-traded assets referenced in the Prior Release) from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

For purposes of calculating net asset value (''NAV'') of Shares of the Fund, option contracts will be valued at their most recent sale price on the exchange on which they are traded. Quotation and last sale information for exchange-listed options will be available via the Options Price Reporting Authority.

The Adviser represents that there is no change to the Fund's investment objective. The Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600.

Except for the changes noted above, all other facts presented and representations made in the Prior Release remain unchanged.

All terms referenced but not defined herein are defined in the Prior Release.

The Exchange notes that the Commission has previously approved for listing other actively-managed exchange-traded funds that invest in U.S. exchange-listed options.[10]

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[11] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. The Adviser represents that there is no change to the Fund's investment objective. The Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600. All options in which the Fund will invest will be traded on U.S. options exchanges, all of which are members of ISG.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, and is designed to promote just and equitable principles of trade and to protect investors and the public interest, in that the Adviser represents that there is no change to the Fund's investment objective. All options in which the Fund will invest will be traded on a U.S national securities exchange. The Fund's investment in options will not be used to enhance leverage. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in options (in addition to the exchange-traded assets referenced in the Prior Release) with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in options (in addition to the exchange-traded assets referenced in the Prior Release) from such markets and other entities. In addition, the Exchange may obtain information regarding trading in options (in addition to the exchange-traded assets referenced in the Prior Release) from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that the Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600. The Adviser represents that there is no change to the Fund's investment objective. Except for the changes noted above, all other representations made in the Prior Release remain unchanged.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes will accommodate continued listing and trading of an issue of Managed Fund Shares that, under normal conditions, principally holds large-capitalization, U.S. exchange-listed equities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6)(iii) thereunder.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[8] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[9] For a list of the current members of ISG, see *www.isgportal.org*.

[10] *See, e.g.,* Securities Exchange Act Release No. 67552 (August 1, 2012), 77 FR 47131 (August 7, 2012) (SR–NYSEArca–2012–55) (order approving listing and trading on the Exchange of the STAR Global Buy-Write ETF under NYSE Arca Equities rule 8.600).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2014–70 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2014–70. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2014–70 and should be submitted on or before July 16, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14777 Filed 6–24–14; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

[Docket No. MARAD 2014 0088]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Elements of Request for Course Approval

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. Under this voluntary collection, public and private maritime security training course providers may choose to provide the Maritime Administration (MARAD) with information concerning the content and operation of their courses. MARAD will use this information to evaluate whether the course meets the training standards and curriculum promulgated under Section 109 of the Maritime Transportation Security Act of 2002 (MTSA) (Pub. L. 107–295). Courses found to meet these standards will receive a course approval. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by August 25, 2014.

ADDRESSES: You may submit comments identified by Docket No. MARAD–2014–0088 through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.
- *Fax:* 1–202–493–2251

FOR FURTHER INFORMATION CONTACT: Kimberly Brown, (202) 366–9363, Office of Security, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0535.

Title: Elements of Request for Course Approval.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: Section 109 of the Maritime Transportation Security Act of 2002 (MTSA) (Pub. L. 107–295) required the Secretary of Transportation to develop ''standards and curriculum to allow for the training and certification of maritime security professionals.'' The Secretary of Transportation delegated this mandate to the Maritime Administration (MARAD) and the United States Merchant Marine Academy, which developed the required standards and curriculum. To assist parties implementing the education and training provisions of the MTSA, MARAD, in conjunction with the U.S. Coast Guard, developed a voluntary program of maritime security course approval. This program, in which course providers submit their course curricula and descriptions of their operations for review, provides a means through which providers may have their courses approved as incorporating the standards and curriculum developed under Section 109 of the MTSA.

Number of Respondents: 50.

Frequency: Occasionally.

Number of Responses: 75.

Total Annual Burden: 750.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.regulations.gov.*

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

Dated: June 16, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–14796 Filed 6–24–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No FAA–2013–0316]

Aviation Rulemaking Advisory Committee Airman Certification System Working Group

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Request for Comment.

SUMMARY: This notice announces the availability of draft Airman Certification Standards documents developed by the Airman Certification Standards Working Group for the commercial pilot certificate and the authorized instructor certificate. The Airman Certification Standards documents are designed as the foundation for transitioning to a more integrated and systematic approach to airman certification testing and training. Given their importance in the ongoing evolution of the FAA's airman certification testing and training system, the Airman Certification Standards Working Group wishes to make the draft Airman Certification Standards for the commercial pilot certificate and the revised Airman Certification Standards for the authorized instructor certificate available to the public for review and comment. The Airman Certification Standards Working Group will use the comments it receives to refine its work on this task. These documents are available for public review, download, and comment.

DATES: Send comments on or before August 25, 2014.

ADDRESSES: Send comments identified by docket number [FAA–2013–0316] using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Van L. Kerns, Manager, Regulatory Support Division, FAA Flight Standards Service, AFS 600, FAA Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125; telephone (405) 954–4431, email *van.l.kerns@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On December 19, 2013, the Aviation Rulemaking Advisory Committee (ARAC) accepted the FAA's assignment of a new task arising from recommendations of the ARAC Airman Testing Standards and Training Working Group (ATSTWG). The ATSTWG recommended specific steps the FAA should take to adopt, implement, and manage the integrated Airman Certification Standards (ACS) approach to airman certification testing and training. The new task instructed the ARAC to establish an Airman Certification System Working Group (ACS WG) to provide expert assistance and industry views to the FAA's Flight Standards Service on the development, modification, and continued alignment of the major components of the airman certification system.

The FAA announced the ARAC's acceptance of this task through a **Federal Register** Notice published on January 29, 2014 [79 FR 4800]. This Notice described the task elements and solicited participants for the ACS WG, which formed and began its work in March 2014.

The FAA has specifically tasked the ACS WG to support the FAA's goal to enhance aviation safety and reduce the fatal general aviation accident rate by providing a means for the aviation industry to provide expert assistance and industry views to the FAA's Flight Standards Service on the development, modification, and continued alignment of the major components of the airman certification system. These include:

1. The ACS for airman certificates and ratings (i.e. 8081-series documents);
2. Associated training guidance material (e.g., H-series handbooks);
3. Test management (e.g., test question development, test question boarding, test composition/test ''mapping,'' and CT–8080-series figures); and
4. Reference materials, to include AFS directives and Aviation Safety Inspector guidance; FAA Orders, Advisory Circulars (ACs), and other documents pertaining to the airman certification system.

In accordance with this tasking, the ACS WG has developed draft ACS documents that align the aeronautical knowledge testing standards with the flight proficiency standards set out in the existing Practical Test Standards. In addition to supporting the FAA's effort to improve the relevance, reliability, validity, and effectiveness of aeronautical testing and training materials, the draft ACS documents support the FAA's goal of reducing fatal general aviation accidents by incorporating task-specific risk management considerations into each Area of Operation.

Following the ACS model outlined by the ARAC ATSTWG, the ACS WG has completed its initial work on the ACS for the commercial pilot certificate. The ACS WG has also refined the ATSTWG-developed ACS for the authorized instructor certificate. At the request of the ACS WG, and in accordance with practices outlined by the ATSTWG for the private pilot certificate and instrument rating ACS documents, the ACS WG is making these documents available for public comment through docket number FAA–2013–0316. The ACS WG will use the comments it receives to refine its work toward completing FAA-assigned tasks.

The ACS WG notes that while the draft authorized instructor ACS follows the overall conceptual framework developed for the private pilot ACS, the instrument rating ACS, and the newly-developed commercial pilot ACS, its construction reflects fundamental differences between the family of pilot certificates/ratings and the instructor certificate. The core of the authorized instructor ACS addresses practical application of the instructional concepts and techniques presented in the traditional Fundamentals of Instructing (FOI). The authorized instructor ACS

uses appendices to define the acceptable standards for knowledge, skill, and risk management in the aeronautical proficiency tasks unique to a particular instructor certificate or rating.

The ACS WG also wishes to emphasize that the authorized instructor ACS is not intended to be a stand-alone document. Rather, it is intended to be used in conjunction with the pilot certificate level or rating ACS for which the instructor-applicant seeks authorization to provide instruction. Therefore, in addition to mastery of the knowledge and skills defined in the authorized instructor ACS, the instructor-applicant must demonstrate instructional competence for Tasks in the ACS for the appropriate certificate level or rating, to include analyzing and correcting common learner errors.

Issued in Washington, DC, under the authority set forth in 49 U.S.C. 106(f) on June 19, 2014.

Brenda D. Courtney,

Acting, Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2014–14791 Filed 6–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–36]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 15, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0361 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels, (202) 267–9677, 800 Independence Ave. SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Brenda D. Courtney,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0361.

Petitioner: Gulf and Caribbean Cargo, Inc.

Section of 14 CFR Affected: 121.436.

Description of Relief Sought: Gulf and Caribbean Cargo, Inc. seeks an exemption from 14 CFR 121.436 for its pilots in cargo operations to allow the pilot in command of the turbojet airplanes in Part 135 operations to count that pilot in command time toward the experience requirements of 14 CFR 121.436 regardless of whether the airplane was configured to carry passengers or cargo.

[FR Doc. 2014–14797 Filed 6–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Railroad Safety Program Plans and Product Safety Plans

In accordance with part 236 of Title 49 Code of Federal Regulations and 49 U.S.C. 20502(a), this document provides the public notice that by documents dated March 31, 2014, the railroads listed below have petitioned the Federal Railroad Administration (FRA) for approval of their Railroad Safety Program Plans (RSPP) and Product Safety Plans (PSP) for the Railsoft TrackAccess system. FRA assigned the petitions the following docket numbers:

- *Kettle Falls International Railway:* FRA–2014–0049.
- *Georgia & Florida Railway:* FRA–2014–0050.
- *Nebraska, Kansas & Colorado Railway:* FRA–2014–0052.
- *Panhandle Northern Railroad:* FRA–2014–0053.
- *Illinois Railway:* FRA–2014–0051

TrackAccess is a processor-based dispatch system developed for operation in autonomous mode (without dispatcher intervention) for low-density rail lines. The system provides a processor-based methodology of requesting and issuing track authority to either qualified train crewmembers or roadway workers. It does so while increasing railroad productivity and significantly improving the safety of train operations, roadway workers, and other railway equipment.

FRA is providing public notice that the railroads' RSPPs and related documents have been placed in the dockets listed above and are available for public inspection. FRA is not accepting public comment on the RSPP documents; notice regarding these documents is provided for information only.

FRA is accepting comments on the PSPs for each railroad, which are posted in the dockets listed above for public inspection. The railroads assert that their RSPPs and PSPs contain the same information and analysis as the Alabama & Tennessee River Railway's (ATN) RSPP Revision 1, dated February 16, 2009, and the ATN PSP Revision 1, dated March 15, 2012. The ATN RSPP Revision 1 and the ATN PSP Revision 1 were previously approved by FRA on January 28, 2014 (Docket FRA–2013–0088).

The PSPs provide descriptions of the TrackAccess system. The railroads state that in the case of ATN, FRA found that the PSP demonstrates that TrackAccess

was designed in a highly safe manner and was sufficiently tested to verify that fact. FRA approved the use of TrackAccess in autonomous mode for ATN. The railroads assert that since their RSPPs and PSPs contain the same programmatic and technical information as the FRA-approved ATN RSPP Revision 1 and PSP Revision 1, including autonomous TrackAccess operations, these railroads should also be allowed to use TrackAccess in an autonomous mode.

Copies of the petitions, as well as any written communications concerning the petitions, are available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by August 11, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on June 20, 2014.

Ron Hynes,

Director, Office of Safety Assurance and Compliance.

[FR Doc. 2014–14827 Filed 6–24–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Environmental Impact Statement for Dallas—Houston High Speed Passenger Rail Corridor

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: FRA is issuing this notice to advise the public that FRA and the Texas Department of Transportation (TxDOT) intend to prepare an EIS pursuant to the National Environmental Policy Act of 1969 (NEPA) for the impacts of constructing and operating a dedicated high-speed rail (HSR) system (Proposed Action) proposed by the private company, Texas Central High-Speed Railway (TCR), for the Central Texas High-Speed Rail Corridor. The EIS will evaluate route alternatives for passenger rail for the corridor between Dallas and Houston, which currently has no passenger rail service. FRA will evaluate alternatives for construction and operation of the Proposed Action consisting of a sealed HSR corridor.

DATES: FRA invites the public, governmental agencies, and all other interested parties to comment on the scope of the EIS. All such comments should be provided in writing, within ninety (90) days of the publication of this notice, at the address listed below. Comments may also be provided orally or in writing at the scoping meetings. Scoping meeting dates, times and locations, in addition to related information about the EIS for the Central Texas High-Speed Rail Corridor can be found online at *http://www.fra.dot.gov/Page/P0700.*

ADDRESSES: Written comments on the scope of the EIS may be mailed or emailed within ninety (90) days of the publication of this notice to Michael Johnsen, Lead Environmental Protection Specialist, Office of Railroad Policy and Development, Federal Railroad Administration, 1200 New Jersey Avenue SE., MS–20, Washington, DC 20590, or *michael.johnsen@dot.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Johnsen, Lead Environmental Protection Specialist at 1200 New Jersey Avenue SE., MS–20, Washington, DC 20590, telephone (202) 493–1310, email: *Michael.johnsen@dot.gov,* or Melissa Neeley, Director of Project Delivery Management, Environmental Affairs Division of the Texas Department of Transportation, 118 E. Riverside Drive, Austin, TX 78704. Telephone (512) 416–3014, email: *Melissa.Neeley@txdot.gov.*

SUPPLEMENTARY INFORMATION: The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA and the FRA's Procedures for Considering Environmental Impacts as set forth in 64 FR 28545, dated May 26, 1999 (Environmental Procedures). The EIS will also address Section 106 of the National Historic Preservation Act, Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 U.S.C. 303), Executive Order 12898 and USDOT Order 5610.2(a) on Environmental Justice and other applicable Federal and state laws and regulations. The EIS will address environmental impact issues of concern and will include:

- Describing the purpose and need for the Proposed Action.
- Describing the environment likely to be affected by the Proposed Action.
- Identifying the reasonable alternatives that satisfy the purpose and need for the Proposed Action.
- Describing the no-build or no-action alternative to serve as a baseline for comparison.
- Describing the potential environmental impacts associated with the reasonable alternatives and mitigation to address significant impacts.

FRA, in cooperation with TxDOT will prepare the EIS for the Central Texas High-Speed Rail Corridor. The Proposed Action would connect Dallas and Houston with a dedicated HSR system and establish connectivity with other transportation services in Houston and Dallas. As part of the EIS, the impacts of various alternative HSR route alignments will be analyzed including shared corridors with other existing linear infrastructure corridors such as railroads, roads, and electric utility lines. The HSR system would be dedicated and would not share track or infrastructure with existing trains and rail lines. In addition, the EIS will analyze the potential impacts of

stations, power facilities, and maintenance facilities to support HSR operations.

TCR is a Texas-based company formed in 2009 to bring HSR to Texas as a private-sector venture. Working closely with Central Japan Railway Company (JRC), TCR proposes the deployment of JRC's N700–I Bullet System based on the world's safest, most reliable, lowest emission, electric-powered, HSR systems, called the Tokaido Shinkansen System (Shinkansen). Developed and operated by JRC and the former Japan National Railways, the Shinkansen has operated safely for almost 50 years and carries over 400,000 daily passengers. The most current generation Shinkansen train, the N700, runs at speeds up to 186 miles per hour.

The EIS will describe an analysis of HSR alternatives in the study area and evaluate the environmental impacts of reasonable alternatives using a combination of Geographic Information System (GIS) data, field investigations and site visits/sampling where necessary. The primary environmental resources located within the study area that may be affected are: agricultural, residential, commercial, and industrial properties; streams and floodplains; wetlands and wildlife habitat; and open space. FRA and TxDOT will work with TCR to develop alternatives that avoid and minimize impacts to these resources, as well as cultural resources and protected lands. Minimization and mitigation measures will be identified within the EIS where appropriate.

In accordance with the NEPA, the FRA and TxDOT invite comments and suggestions regarding the scope of the EIS from all interested parties to ensure that all issues are addressed related to this proposal and any significant impacts are identified. Letters describing the EIS and soliciting comments will be sent to appropriate federal, state, and local agencies, Native American tribes, and private organizations who might have previously expressed or who are known to have an interest in the Proposed Action. Federal agencies with jurisdiction by law or special expertise with respect to potential environmental issues will be requested to act as a Cooperating Agency in accordance with 40 CFR 1501.16.

TxDOT will lead the outreach activities beginning with scoping meetings (dates to be determined). Public involvement initiatives including public meetings, project Web site, and outreach will continue throughout the EIS process. Opportunities for public participation will be announced through mailings, notices, advertisements, press releases and an EIS Web page, accessible at *http://www.fra.dot.gov/Page/P0700.* One or more public hearings will be held after the Draft EIS is released and made available for public and agency review. Public notice will be given for the time and place of public hearings.

Comments or questions concerning this Proposed Action and the scope of the EIS are invited from all interested parties and should be directed to the FRA at the address provided above.

Authority: National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et. seq.*)

Issued in Washington, DC, on June 19, 2014.

Michael M. Johnsen,

Acting Division Chief, Environment and Systems Planning.

[FR Doc. 2014–14771 Filed 6–24–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2011–0093]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a letter dated May 14, 2014, Peninsula Terminal Railway (PT) has petitioned the Federal Railroad Administration (FRA) for an extension of its waiver of compliance from certain provisions of the Federal hours of service laws contained at 49 U.S.C. 21103(a)(4). FRA assigned the petition Docket Number FRA–2011–0093.

In its petition, PT seeks relief from 49 U.S.C. 21103(a)(4) that in part requires a train employee to receive 48 hours off duty after initiating an on-duty period for 6 consecutive days. Specifically, PT seeks a waiver to allow a train employee to initiate an on-duty period, each day, for 6 consecutive days followed by 24 hours off duty. In support of its request, PT explained that it has five train and engine service employees covered by the waiver, and these employees have set hours, set days off, and do not lay over at away-from-home locations. PT provided work schedules for the employees covered by the waiver, which shows them working Monday through Friday, reporting at 7:00 a.m., and working an average of 8 hours, with a crew occasionally working on Sunday for 4 hours or less. PT also explained that all employees covered by the waiver work well below the Federal 276-hour monthly limit. Finally, PT stated that all employees covered by the waiver were provided information about the waiver extension petition, and that there were no objections to the waiver extension by these employees.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by August 11, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on June 20, 2014.

Ron Hynes,

Director, Office of Safety Assurance and Compliance.

[FR Doc. 2014–14826 Filed 6–24–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2013–0022]

Final Policy: Cruise Vessel Security and Safety Training Provider Certification

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final policy.

SUMMARY: This notice serves to inform interested parties and the public of the Maritime Administration's (MARAD) new policy on certification of cruise vessel security and safety training providers. As required by the Cruise Vessel Security and Safety Act of 2010, Public Law 111–207 (July 27, 2010) (codified at 46 U.S.C. sections 3507–08) (CVSSA), the U.S. Coast Guard (USCG), in consultation with the Federal Bureau of Investigation (FBI), and MARAD developed training standards and curricula (the ''Model Course'') to allow for the certification of passenger vessel security personnel, crewmembers, and law enforcement officials on the appropriate methods for the prevention, detection, evidence preservation and reporting of criminal activities in the international maritime environment. In addition, the CVSSA provided the Maritime Administrator with the discretionary authority to certify organizations in the United States and abroad that offer the curriculum for training and certification. On May 23, 2013, the agency published a notice in the **Federal Register** seeking public comment on a draft policy under which such certification would be carried out (78 FR 30956). In response, the agency received four separate comments to which it provides its responses below. The agency is now announcing its voluntary certification program for training providers to assure the general public that passenger cruise vessel security and safety personnel have received training that is in strict compliance with the CVSSA mandated Model Course. MARAD certification will serve to assist the cruise industry in identifying and obtaining qualified training services.

DATES: This policy will become effective once the Office of Management and Budget approves a current information collection control number. (See also Paperwork Reduction Act section.)

ADDRESSES: The complete file for this policy is available for inspection with the Docket Clerk, Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. You may also view the comments submitted to the docket via the Federal eRulemaking Portal at *http://www.regulations.gov* by following search instructions using DOT Docket Number MARAD–2013–0022.

Organizations and individuals desiring to submit comments on the collection of information requirements should direct them to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington DC 20503, Attention: MARAD Desk Officer. Comments may also be sent via email to the Office of Management and Budget at the following address: *oira_submissions@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: You may contact T. Mitchell Hudson, Jr., Office of Chief Counsel, Maritime Administration, at (202) 366–9373. You may send mail to Mr. Hudson at Maritime Administration, 1200 New Jersey Avenue SE., MAR 225, W24–220, Washington, DC 20590–0001. You may send electronic mail to *Mitch.Hudson@dot.gov.* If you have questions on viewing the Docket, call Cheryl Collins, Program Manager, Docket Operations, telephone: (800) 647–5527.

SUPPLEMENTARY INFORMATION: Following the enactment of the CVSSA, the USCG, MARAD, and the FBI, as directed under the Act, developed the Model Course. Published in July of 2011, the ''Model Course CVSSA 11–01 Crime Prevention, Detection, Evidence Preservation and Reporting'' set the standards for security personnel training. The CVSSA training requirements are applicable to passenger vessels that carry at least 250 passengers; have onboard sleeping facilities for each passenger; are on a voyage that embarks and disembarks passengers in the United States; and are not engaged on a coastwise voyage. Since July 27, 2011, passenger vessels have been required to certify to the USCG, before entering a United States port on a voyage or voyage segment on which a United States citizen is a passenger, that they have at least one crewmember on board who is properly trained on prevention, detection, evidence preservation, and reporting requirements of criminal activities in the international maritime environment.

MARAD's voluntary training provider certification program will help assure the general public that passenger vessel security and safety personnel have received proper training consistent with the Model Course and will assist the industry in obtaining quality training services. Training providers seeking to be certified by MARAD are required to submit training plans and supporting information for review. If the training provider's plans meet the Model Course criteria, the agency will offer its certification subject to the training provider entering into an agreement which, in addition to other terms, will subject the organization to program audits. The MARAD application procedure and program details are also available to the public on its Web site *www.marad.dot.gov/cvssa.*

Comments on the Proposed Policy

In response to the agency's **Federal Register** notice seeking public comment on its proposed CVSSA trainer certification policy, a total of four separate comment submissions were made by the following entities: the International Cruise Victims Association, Inc. (ICV); the Cruise Lines International Association (CLIA); the American Association for Justice (AAJ); and a private citizen. The agency responds below to all comments, which have been organized under four general topic areas—Statutory Authority, Program Administration, Public Information and Trainer/Applicant Requirements.

Statutory Authority

(1) Comments submitted by ICV questioned the efficacy of a voluntary certification program, rather than a mandatory program, in order to ''provide a standardized training format for certification.''

For several reasons, MARAD chose a voluntary program implemented through policy rather than issuing a formal rulemaking to establish a mandatory requirement. First, because the CVSSA provides the Administrator with discretionary authority, the law allows for the implementation of a voluntary program. Second, based on the agency's successful experience implementing a voluntary program under the authority provided by Section 109 of the Maritime Transportation Security Act of 2002, the agency is confident that voluntary programs can be successful at achieving proper oversight and ensuring regulatory compliance. Third, MARAD anticipates the cruise lines will recognize the

importance of certification of their program in order to ensure the best possible safety and security for its passengers. Lastly, in the event that this program is unable to establish the industry standard for security and safety training through voluntary compliance, the agency can implement a mandatory program through regulation, and do so with the experience to better understand the issues and challenges.

(2) Comments submitted by ICV question whether the Security Officer's impartiality is compromised by having no authority in a criminal investigation, arguing that security personnel should be agents of the government.

The provided training does not render ship security personnel agents of the government in securing a crime scene or preserving evidence. The training is designed to ensure that neither the crime scene nor evidence are disturbed or destroyed such that their value is lost or diminished to law enforcement. The course materials provide an appropriate level of guidance as to fundamental aspects of crime scene preservation.

A vessel security officer (VSO), as any employee of a private concern, only becomes an agent of the U.S. government when the security officer is directed by, tasked by or is otherwise acting at the behest of the U.S. Government. Generalized instruction to VSOs on crime scene preservation prior to and wholly removed from a particular incident, do not convert the VSOs into agents of government.

Program Administration

(1) ICV expressed concerns regarding the effectiveness, quality and integrity of distance learning or E-learning course instruction.

The agency does not agree that distance learning or E-learning is necessarily inferior to other methods of instruction. E-learning models are being used across industries and in schools and universities around the world. During the application review process, applications that identify E-learning as a method of training will be scrutinized for high quality content and use of best practices. In addition, the audit process can identify weaknesses in any particular E-learning course.

(2) Both ICV and CLIA commented on and questioned various aspects of the proposed audit process. ICV asked the agency to clarify when audits will be scheduled.

Audits must be conducted during the term of certification as per the following schedule: An initial audit must be conducted within 6 months of certification; a mid-period audit must be conducted between the second and third year anniversary of certification; and a recertification audit must be conducted within 6 months prior to expiration of the certificate. These audits must be carried out by a qualified independent auditor, as discussed below. It is the responsibility of the training provider to schedule and ensure completion of these audits. The training provider must advise MARAD of the dates of the upcoming audits. MARAD reserves the right to participate in the audit along with the independent auditor.

As clarification, the policy provides that the final audit will take place ''no earlier than 6 months before expiration of the MARAD certification. Therefore, for example, if the training provider's certification expires on December 15, 2020, the training provider must schedule the final audit between June 16th and December 14th 2020.

(3) ICV and CLIA commented on the issue of auditor qualifications. ICV asked what is meant by the term ''accredited'' auditor.

The program policy has been revised to remove the term ''accredited.'' Auditors must be able to demonstrate that they are competent to carry out the task and that they have been assessed against a recognized standard. Auditors designated by Flag states, or by Classification Societies that are members of the International Association of Classification Societies (IACS), and ISO 9001 Quality Management certified auditors, will be considered qualified auditors.

(4) CLIA also asked how the agency would determine who is an ''independent auditor?''

An independent auditor is any auditor that has not had an affiliation with the training provider (e.g., an employee, consultant, etc.) being audited for three years prior to the audit.

(5) CLIA asked MARAD to clarify whether audits will be performed by agency personnel and/or at the corporation's expense.

The costs of audits by qualified independent auditors will be borne by the certified training provider. The costs of MARAD's participation in those audits, when MARAD elects to participate, will be borne by MARAD.

(6) The ICV submitted comments suggesting that auditors should be authorized to question personnel having completed the training in order to ensure proficiency.

While MARAD's certification process pertains to the training provider and not to individual trainees, auditors may, as part of an audit, question trainees as one means of assessing the effectiveness of the training program.

(7) Commenters have asked what actions or issues would cause MARAD to suspend or revoke a training provider's certification.

MARAD may suspend or revoke certification if the agency determines that the training provider is unable to meet the course objectives; has submitted documentation that is found to be fraudulent or inaccurate; has failed to implement corrective actions satisfactorily or within an agreed time frame; or at the request of the training provider. MARAD may consult with the USCG and FBI on whether to suspend or revoke certification.

(8) CLIA inquired whether MARAD will offer retroactive certification to training providers whose curricula have been verified by a qualified independent auditor as consistent with the Model Course.

MARAD will retroactively certify training providers if (1) MARAD finds the training curriculum is consistent with the Model Course and the training provider executes the Agreement discussed below; and (2) an audit conducted by a qualified independent auditor prior to issuance of this final policy found that the curriculum was consistent with the Model Course, and that the training offered was effective. Training providers seeking retroactive certification must submit their application, including the audit results, within three months of the effective date of this policy. Certification will be retroactive to the date of the audit, and will be effective for five years from the date the certification is issued.

(9) CLIA asked whether applications and supporting information can be submitted either electronically or by paper filing.

Either format is acceptable. MARAD anticipates that most applications will be submitted electronically. MARAD will ensure that the agency's Web site provides all necessary contact information for both electronic and paper filings.

(10) CLIA expressed concern that 3 days to provide administrative records would not be enough time and instead recommends that 10 days would be a more practical time frame.

Training organizations seeking MARAD certification must be prepared to respond quickly if and when circumstances result in the agency's need to review additional information. If more time is needed, the training organization may request an extension and provide a proper justification of the need to the agency. However, to ensure that MARAD certification is current and

meaningful to the public, training organizations must be prepared to respond within 3 business days. The use of electronic document exchanges should minimize any administrative burden.

(11) CLIA recommended that MARAD state a particular time frame of 30 days or less to process an application.

MARAD's goal is to process each initial and renewal application as expeditiously as possible. In the case of certification renewals, MARAD will (assuming timely receipt of a complete application for renewal), extend the expiration date on current CVSSA certificates on a case-by-case basis.

(12) CLIA also asserts that 90 days in advance of expiration is not a reasonable time frame in which to submit the certification renewal application.

The expiration date will be known from the date of certification; the 90 day requirement should not be difficult to meet. Later submissions will be accepted, however, processing time could result in a delay in renewal.

(13) CLIA asserts that in-classroom or real-time monitoring of the course is not the certifying organization's role. CLIA also took issue with the required training provider agreement wherein it requires applications to include photographs, diagrams, or plans of the training site.

MARAD regards in-classroom monitoring as a highly effective means by which the agency can ensure that training organizations adhere to the CVSSA Model course. Plans and photographs can assist the agency's understanding of how the trainer will successfully impart information; however, we agree that this may not be necessary in all instances. Therefore, MARAD has modified the agreement to provide that such plans and photographs will be provided upon request.

(14) Comments submitted by CLIA seek clarification as to who has the responsibility to report non-conformities to MARAD.

The training provider has ultimate responsibility to ensure that MARAD receives audit results delineating any non-conformities, and a corrective action plan. The auditor, however, should provide the above information directly to MARAD.

(15) CLIA recommended a grace period be provided between the time the final policy is published and an application is submitted, as well as between the submission of the application for certification and certification issuance.

Since MARAD certification of training programs is voluntary, the existing means for compliance with the CVSSA training requirement at 46 U.S.C. 3508(c) will remain in effect and sufficient for purposes of CVSSA compliance. Accordingly there is no need to establish a grace period in which to obtain MARAD certification.

Public Information

(1) CLIA asked what information MARAD will publish on its Web site regarding training providers.

MARAD will publish the training provider's name, corporate contact information, and the date of certification. The policy has been amended to ensure clarity on this point.

(2) CLIA expressed concern that the application procedure and program details will be available to the public. Specifically, they assert that applications submitted by training providers should not be open to the public for review and comment.

Individual training provider applications should not be subject to a public notice and comment process. However, it has been the longstanding policy of the Department of Transportation and MARAD to ensure a transparent administrative process when it affects members of the public. Accordingly, in the previous **Federal Register** Notice of Proposed New Policy, the agency described the program details including the application process and the Agreement that successful applicants must sign before being certified by MARAD. All concerned should understand, however, that the release of any information submitted to the agency by the training provider is subject to the Freedom of Information Act and the Privacy Act. Applicants should identify any proprietary and/or privacy rights information they feel is exempt from release and provide the appropriate supporting justification.

(3) Comments submitted by CLIA assert that the course content, certification details, and training provider issues are not the purview of the general public and questioned why MARAD was soliciting input from cruise line passengers.

DOT and MARAD support, as sound public policy, outreach to interested stakeholders and public participation in rulemaking and in issuing policy documents. Doing so is consistent with the law and builds greater confidence in and broader acceptance of Federal Agency judgments.

Trainer/Applicant Requirements

(1) ICV submitted comments asserting that the time allotted to crime scene preservation and evidence collection training is not adequate to properly equip security personnel. The time allotted under the CVSSA Model Course was determined by USCG, FBI and MARAD to represent an acceptable minimum standard. It is the responsibility of the training provider to demonstrate that the time allotted for each topic and for the entire course is sufficient to meet the requirements of the Model Course.

(2) Both ICV and CLIA requested the criteria or standards MARAD will apply when evaluating instructor qualifications.

In evaluating instructor qualifications MARAD will consider relevant training and education the instructor has completed, and the nature and extent of the instructor's experience in the areas of security, safety, passenger vessel operation and law enforcement.

(3) ICV suggested that MARAD develop a controlled course completion certificate and oversee issuance to trainees who complete the course.

MARAD's certification will be issued to training providers, not to the individuals who complete the training provider's course of instruction. It is the responsibility of the training providers to issue and account for all trainee course completion certificates.

(4) Commenters stated opposing views regarding the anticipated participation of foreign owned training providers and their qualifications to obtain MARAD certification.

The CVSSA specifically allows for certification of foreign training providers. Accordingly, MARAD will accept all complete applications from training organizations both foreign and domestic and it will issue certifications, when appropriate, after review of the application.

(5) CLIA has sought clarification with respect to the need for submitting names, positions, and backgrounds of shore side and shipboard staff members who will evaluate, review, and monitor the CVSSA course.

MARAD is seeking to identify training coordinators and their qualifications where training is being performed by cruise line personnel or an independent training organization. In the case of independent training organizations, the information must be provided if known. In cases where a particular cruise line holds out-of-classroom training, conducted by a company official to augment the Model Course, MARAD believes a point of contact at the cruise

lines would benefit the evaluation of the training provider package.

(6) CLIA questioned the practicality of identifying by number the corresponding CVSSA Model Course section in the training syllabus and outline provided by certification applicants.

MARAD recognizes that some courses may include material beyond that contained in the Model Course, for which there would be no corresponding Model Course section. However, to the extent possible, the training curriculum should identify the Model Course numbered objective in the proposed syllabus. This will assist MARAD in performing its review.

(7) CLIA requests clarification on whether the training provider is required to provide the policy governing when additional instructors are required.

MARAD is not requesting the training provider's policy on when additional instructors will be used. MARAD is requiring the training provider to indicate the teacher-student ratio and upon request, when additional instructors will be used.

MARAD CVSSA Training Provider Certification Policy

This policy describes the process through which MARAD will exercise its CVSSA discretionary authority to certify training providers that offer the CVSSA Model Course.

How To Become A Maritime Administration (MARAD) Certified CVSSA Training Provider

Must organizations that provide security and safety training be certified by MARAD?

No. Training provider certification is voluntary.

Is there a Model Course that training providers must follow in order to become a MARAD Certified CVSSA Training Provider?

Yes. Training providers that are voluntarily seeking certification must meet the minimum requirements found in the Model Course CVSSA 11–01; Crime Prevention, Detection, Evidence Preservation and Reporting (July 2011 version). The course was prepared by the USCG, in consultation with MARAD and the FBI. A copy of the Model Course is available for download at MARAD's Web site: *www.marad.dot.gov/cvssa.*

What is the purpose of the Model Course?

The purpose is to provide training standards and curricula to allow for the certification of passenger vessel security personnel, crewmembers, and law enforcement officials on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the maritime environment.

What should be included in my application for MARAD certification?

Applications must contain all of the following information and materials:

1. Training Provider Information:
- Company name;
- Business address;
- State of incorporation;
- Articles of Incorporation;
- Name, address, and contact information of the individual who will be the training provider's point of contact with MARAD; and
- Signed Training Provider Agreement.

2. Instructor Information: Include a list of instructors with a description of their experience, background, and qualifications that demonstrate that they have the subject matter expertise to answer student questions, as well as the instructional capability to impart the required information to students. Where cruise lines are applying for certification of in-house training, cruise lines must provide the names, positions, and backgrounds of shore side and shipboard staff members who will evaluate, review, and monitor any element of the CVSSA course. Independent training organizations must provide this information if known.

3. Course Schedule: Include a course schedule, including the length of each lesson and indicate whether the lesson is presented through a classroom lecture, distance E-learning, practical demonstration, or simulator exercise, and the particulars of how the assessment of students will be administered. For each lesson, where applicable, indicate the number of the corresponding subject area from the CVSSA Model Course.

4. Syllabus and Instructor Manual: Include a course outline, containing a summary of the teaching syllabus and learning objectives by subject area indicating the number of hours to be allocated for each lecture, practical demonstration, or simulation program. A detailed instructor manual must be submitted. Submissions should demonstrate the focus of the course while highlighting how the course conforms to the standards and content contained in the Model Course.

5. E-Learning Requirements: For E-Learning courses, include an estimate of the time required for a student to complete the lesson and any applicable time limits for lesson completion. Also, include information describing the method for distance learners to obtain prompt feedback and assistance from someone meeting the same qualification standards as an instructor in a ''live'' course.

6. Course Evaluation Form: Include the course evaluation form that will be used to obtain student feedback on the effectiveness of the instruction and instructors.

7. Training Facility Information: For live training courses, include the following information for the training facility:
- Address;
- Description of the training facility rooms including capacity of rooms; and
- Description of the equipment that will be used during the course, including all equipment to be used during hands-on training and/or testing, and any simulators or simulation programs to be used. If a simulator or simulation program is to be used, include technical specifications and brochures provided by the manufacturer.

8. Class Size Information: Provide the maximum class size for classroom lessons and, if appropriate, for practical demonstrations or simulation exercises and assessments, including the number of the students per simulator. State the maximum student to instructor ratio to be allowed.

9. Visual Aids: Include copies of all visual aids and a discussion of how audiovisual and other aids will be used during the training course, and which performance objectives they will impact. (This information may be a part of the curriculum documentation that discusses the make-up of the lesson plans.)

10. Written Teaching and Testing Materials: Include copies of all student handouts, homework assignments, workbooks, and a bibliography of textbooks to be used. Include copies of all tests and examinations. Describe the grading procedure to be used and what will be considered a passing score.

11. Practical Testing Materials: Include a detailed description of any practical or simulator assessments, tests, or exercises that will be conducted. For these exercises, describe the situation presented to the student; what the students must do to successfully complete each assessment, and how each student's performance will be evaluated and recorded. Include a separate checklist to evaluate each practical assessment. Indicate what is considered a passing score. This checklist must indicate the condition under which the practical

demonstration will occur, the behavior to be observed, and the criteria for successful completion of the demonstration. Include a discussion of how the instructor(s) will determine final grades by proportioning written and practical examination scores as appropriate.

12. Re-testing: Include a description of the training provider's policy on re-tests of failed assessments.

What course records should be maintained?

Training providers must retain each student's assessment reports, reports of practical tests administered (if any), and record of classroom attendance.

How long must my organization maintain course records?

A training provider must maintain course records at the training facility, or other location approved by MARAD, for at least 5 years after the end of each student's enrollment. Course records must be made available for inspectors within 3 business days of notice.

How should my organization administer course completion certification?

Training Providers must issue consecutively numbered certificates to students who successfully complete the approved course. Blank course completion certificates must be kept secure at all times. The paper stock of course completion certificates must contain micro printing, watermarks and/or other effective measures to help prevent production of fraudulent certificates. Training providers should consult International Maritime Organization MSC/Circ. 1089 ''Guidance on Recommended Anti-Fraud Measures and Forgery Prevention Features for Seafarers' Certificates'' available via the IMO Web site at *www.imo.org.*

Course completion certificates should be in a standardized format and contain the following:

- the name of the course as stated in the course certification letter;
- the name of the school or training provider;
- the date the training began and was completed;
- the signatures of the course instructor and director or department head; and
- the student's full name.

May my organization deviate from or modify the specifications of the Model Course and still obtain MARAD approval and certification?

Deviations from or modifications to the Model Course format are permissible, however all course material required by the Model Course must be included in proposed course curricula to the extent stated in the Model Course. To facilitate MARAD review, training providers are encouraged to present the information in the format indicated in the Model Course outline. Any proposed deviations from or modifications to the specifications of the Model Course must be highlighted in the application for certification, with an explanation justifying the change, discussing its benefits, and describing how the material will be covered.

What will MARAD do with the materials submitted?

MARAD will review all information and materials submitted and determine whether the course submitted is consistent with the Model Course. If consistent, MARAD will issue a training provider certification after receipt of the executed training provider Agreement which acknowledges MARAD and its designees may audit the course.

Where do I submit my application for certification?

A training provider seeking MARAD certification as a CVSSA Training Provider may electronically submit the required information to *www.marad.dot.gov/cvssa.*

or

by mail addressed as follows:

Department of Transportation, Maritime Administration, Attention: CVSSA Training Certification Program, 1200 New Jersey Avenue SE., Washington, DC 20590.

How will I know whether I was approved for certification?

MARAD will issue a certification to the training organization. MARAD will publish the names of certified training providers on the MARAD Web site.

After my course is approved and my organization is certified, are there any on-going responsibilities necessary to maintaining my certification?

Yes. Certified training organizations must notify MARAD in writing within 30 calendar days of any changes in information last furnished with respect to the course, teaching staff, maximum teacher/student ratio, maximum class size, training facility, or training equipment. Certified training organizations must also maintain, for audit purposes, a copy of the identification of all students who successfully complete the course.

How will MARAD ensure that certified training organizations provide training that is effective and consistent with the Model Course?

MARAD will ensure compliance through scheduled audits performed by qualified independent auditors, in which MARAD personnel may participate. MARAD may also conduct audits by agency personnel. Three audits will take place during the 5-year certification period. The first audit must be scheduled within the first 6 months of MARAD certification. A mid-period audit will be conducted between the second and third anniversary of certification. A final audit must take place no earlier than 6 months before the expiration of the MARAD certification. It is the responsibility of the training provider to schedule and ensure completion of these three audits. It is also the responsibility of the training provider to ensure that MARAD receives audit results, descriptions of non-conformities, and corrective action plans. Training providers must inform MARAD in advance of the dates of upcoming audits.

Does my certification expire?

Certifications are effective for a period of five years, or until the certification is suspended or revoked.

How can I renew my organization's certification?

A request for the renewal of a course approval and certification should be submitted at least 90 days before the current approval expires. The applicant is responsible for the content of its submission. Therefore, the renewing organization should review MARAD application instructions and guidance in order to ensure that the new application is consistent with current MARAD requirements. Assuming that no updates have been made to the CVSSA training provider application process, to facilitate the renewal process, all changes should be highlighted. If there have been no changes since the last approval, a statement to the effect that the curriculum, instructors, and facilities are the same as was previously submitted and approved should accompany the submittal.

Reconsideration Process

Training providers may request reconsideration of a disapproval of certification, or the suspension or revocation of certification. Requests must be in writing, state the basis for the reconsideration request, and provide any additional relevant information. Requests must be directed to the Maritime Administration Administrator.

MARITIME ADMINISTRATION CERTIFIED CVSSA TRAINING PROVIDER AGREEMENT

I, _____ (NAME) AM AUTHORIZED BY AND IN BEHALF OF _____ (THE CORPORATION) A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF _____ (HEREINAFTER CALLED THE "CORPORATION"), WITH OFFICES AT _____, (BUSINESS ADDRESS) IN EVIDENCE OF WHICH INCORPORATION A CERTIFIED COPY OF THE ARTICLES OF INCORPORATION (OR ASSOCIATION) IS FILED HEREWITH (OR HAS BEEN FILED).

I AM AUTHORIZED BY AND IN BEHALF OF THE CORPORATION TO EXECUTE AND DELIVER THIS AGREEMENT AS A CONDITION OF MARITIME ADMINISTRATION (MARAD) APPROVAL AND CERTIFICATION:

(I) The Corporation agrees that:

(a) The content of approved training courses will conform to the Model Course CVSSA 11–01 Crime Prevention, Detection, Evidence Preservation and Reporting, or other model courses that may be approved by MARAD.

(b) A complete administrative record to include the student's assessment reports, a report of practical tests administered, and a record of classroom attendance, will be maintained at the training facility or other location approved by MARAD and will be made available for MARAD review within 3 business days of notice for at least 5 years from the student's date of enrollment.

(c) Training courses will be conducted as approved and certified by MARAD.

(d) All administrative records will be provided electronically to MARAD within 3 business days of a request for review by MARAD officials.

(e) It will accommodate MARAD attendance in CVSSA training classes and training facilities whether unannounced or otherwise.

(f) It will authorize course instructors to answer MARAD inquiries and provide course material as requested.

(g) The identity of students will undergo verification and be evidenced through one of the forms of photo identification listed under section (h) below. For E-Learning, equivalent arrangements for student identity will be established, controlled, provided, and administered at the training provider's centralized location.

(h) Acceptable forms of identification are:

(1) Merchant Mariner Document;

(2) National Passport;

(3) Armed Forces Identification Card;

(4) Photo identification cards issued by U.S. Federal, state, or local government agencies; or

(5) Driver's license with photo of the driver.

(i) It will maintain, for audit purposes, a copy of the identification of all students who successfully complete the course.

(j) E-learning student projects and work will be reviewed by an assessor meeting the same qualification standards as an instructor in a live course.

(k) Instructors or training provider personnel will not assist or coach students in any way during the evaluation process.

(l) It will issue consecutively numbered certificates to students who successfully complete the approved course.

(m) Blank course completion certificates will be kept secure at all times.

(1) The paper stock of course completion certificates will contain micro printing, watermarks and/or other effective measures to help prevent production of fraudulent certificates.

(2) Course completion certificates will be in a standardized format and contain the following:

(i) The name of the course as stated in the course certification letter;

(ii) the name of the school or training provider;

(iii) the date the training began and was completed;

(iv) the signatures of the course instructor and director or department head; and

(v) the student's full name.

(II) The Corporation agrees to provide:

(a) The class schedule to MARAD one month before any CVSSA training class enrollment.

(b) Copies of training textbooks upon request from MARAD.

(c) Notice to MARAD of any instructor changes no fewer than 10 days prior to course commencement.

(d) Notice to MARAD in writing within 30 calendar days of any changes in information previously provided and relied upon for approval and certification, including but not limited to Corporation status, the course curriculum, teaching staff, maximum teacher/student ratio, class size, training facility, or training equipment.

(e) Photographs, diagrams, or plans of the training site upon request.

(f) A description of the equipment that will be used during the course. This includes all equipment to be used during hands-on training and/or testing, and any simulators or simulation programs to be used. If a simulator or simulation program is to be used, include technical specifications and brochures provided by the manufacturer.

(g) A request for renewal of course approval and certification at least 90 days before the approval and certification expiration date.

(III) The Corporation agrees to:

(a) Schedule audits of its CVSSA Training Program by qualified independent auditors at the Corporation's expense, according to the schedule stated in the MARAD training provider certification policy;

(b) Require the auditor to provide a copy of all audit results and any corrective action plan directly to MARAD;

(c) Implement expeditiously any corrective action plan provided by the auditor or by MARAD;

(d) Immediately report to MARAD any nonconformity with a certified training program, whether detected in an audit or otherwise;

(e) Allow MARAD personnel to participate in scheduled audits, and allow MARAD to conduct unscheduled audits of the Training Program at MARAD expense.

(IV) The Corporation acknowledges, understands, and further agrees that:

(a) MARAD certification is effective for a period of five years from the date of certification, or until the certification is suspended or revoked.

(b) MARAD may suspend or revoke its certification at any time, without notice and with immediate effect.

(c) Upon written notice of suspension or revocation of certification, the Corporation will immediately cease any display, marketing or other use of MARAD certification.

(d) The corporation may request reconsideration of a disapproval of certification, or the suspension or revocation of certification, through a written request to the Maritime Administrator discussing in detail the reasons why relief should be granted.

(e) MARAD approval of an application is at the discretion of the agency. Nothing in this agreement or in the Agency's policy requires MARAD to issue a certification.

Signature of Authorized Official, Title, Date _____

PENALTY FOR FALSE STATEMENT: A fine or imprisonment, or both, are provided for violation of the proscriptions contained in 18 U.S.C. 1001 (see also 18 U.S.C. 286 and 287).

Policy Analysis and Notices

Consistent with the Administrative Procedures Act and Department of Transportation rulemaking policy, MARAD is publishing this policy in the **Federal Register** to indicate how it plans to exercise the discretionary authority provided by Section 3508 of the CVSSA. Nothing in this notice or in the policy itself requires MARAD to exercise its discretionary authority under the CVSSA. This policy establishes a voluntary program in which successful applicants may obtain MARAD cruise vessel security and safety training provider certification.

Paperwork Reduction Act: The information collection requirements in this final policy are being submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.* The sections that contain the information collection requirements are detailed in the above section entitled ''HOW TO BECOME A MARITIME ADMINISTRATION (MARAD) CERTIFIED CVSSA TRAINING PROVIDER'' and the estimated time to fulfill each requirement and to prepare a complete application are estimated in the section entitled ''Collection Summary'' below.

The OMB is required to make a decision concerning the collection of information requirements contained in this final policy within 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. [To direct your comments, see section entitled **ADDRESSES**].

MARAD intends to obtain a current OMB control number for the information collection requirements resulting from this rulemaking action prior to the effective date of this final policy. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register**.

Collection Summary

Persons or organizations seeking training provider certification must submit certain information described in the above section entitled ''How to become a Maritime Administration Certified CVSSA Training Provider'' and must sign a training provider agreement. No particular form is required for the application procedure. However, all information described in the application procedure must be submitted and is necessary for proper review of the applicant's qualifications. The training provider agreement will be required to follow the published format and be signed by the successful applicant before MARAD will issue its certification. To maintain certification, training providers will be required to undergo audits and to provide audit reports to MARAD.

Need for and Use of the Information: The information collected will be used to analyze the applicant's methods and process of instruction in providing information that is comprehensive in scope and consistent with the USCG Model Course. Information arising under training provider audits will be used to ensure that certified training providers remain qualified throughout the certification period. The training provider agreement is necessary to establish an understanding between the agency and the training provider that certain terms must be met in order to obtain and maintain MARAD training provider certification. Without this information, MARAD would not be able to offer the benefit of its training provider certification to program applicants. MARAD training provider certification will assist the USCG in ensuring cruise vessel CVSSA compliance.

Description of Respondents: Individuals, partnerships, or corporations seeking training provider certification.

Annual Responses: Once the policy is effective, the agency anticipates as many as 35 submissions each year. Certification is anticipated to span a period of 5 years before expiration and renewal. However, the agency does anticipate the collection of information annually from the same estimated number of training providers seeking to maintain their certification by complying with agency audits.

Annual Burden: 40 hours per program participant or 1400 hours total.

Authority: The Cruise Vessel Security and Safety Act of 2010, 46 U.S.C. 3508, The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49.

Dated: March 26, 2014.

By Order of the Maritime Administrator.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–14875 Filed 6–24–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014 0089]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel VALENTINE VENTURE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 25, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2014–0089. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel VALENTINE VENTURE is:

Intended Commercial Use of Vessel: ''Carry Passengers up to 12; Sport Fishing, catch not to be sold commercially; Rent vessel to teach other boat operators on safety and proper operation. Vessel will only be rented to established US companies requiring Maritime training. Vessel may be

rented/leased to US government entities requiring the use of a civilian non-standard vessel.''

Geographic Region: ''Delaware, Maryland, New Jersey, New York, Connecticut, New Hampshire, Maine, Rhode Island, Virginia, North Carolina, South Carolina, Georgia, Florida''

The complete application is given in DOT docket MARAD–2014–0089 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: June 19, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–14794 Filed 6–24–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. EP 290 (Sub-No. 5) (2014–3)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the third quarter 2014 Rail Cost Adjustment Factor (RCAF) and cost index filed by the Association of American Railroads. The third quarter 2014 RCAF (Unadjusted) is 0.985. The third quarter 2014 RCAF (Adjusted) is 0.424. The third quarter 2014 RCAF–5 is 0.401.

DATES: *Effective Date:* July 1, 2014.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245–0333. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision, which is available on our Web site, *http://www.stb.dot.gov*. Copies of the decision may be purchased by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238. Assistance for the hearing impaired is available through FIRS at (800) 877–8339.

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: June 20, 2014.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2014–14837 Filed 6–24–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Community Development Financial Institutions Fund (the ''CDFI Fund''), the Department of the Treasury, is soliciting comments concerning data collection to support the Capacity Building Initiative.

The CDFI Fund intends to collect data on the CDFI industry's needs for different training and technical assistance topics. The CDFI Fund (and its contractors) will assess the demand for capacity-building on specific topics, the type of content to be provided, and the target audience for specific training courses. Additionally, the CDFI Fund (and its contractors) will conduct capacity assessments of program participants to further refine course content. Data collection will be used to evaluate the services being provided through the Capacity Building Initiative as well.

Data collection is expected to take place via online surveys, survey forms submitted electronically to the CDFI Fund, in-person and remote focus groups, phone questionnaires, or similar methods. In general, the CDFI Fund does not anticipate publishing the results of these data collections; however, should this information be useful to the public, the CDFI Fund will ensure that no information of a sensitive or proprietary nature is released.

DATES: Written comments should be received on or before August 25, 2014 to be assured of consideration.

ADDRESSES: Direct all comments to Adam Martinez, CDFI Program Manager, at the Community Development Financial Institutions Fund, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, by email to *cdfihelp@cdfi.treas.gov.*

FOR FURTHER INFORMATION CONTACT: An overview of the Capacity Building Initiative may be found on the CDFI Fund's Web site at *http://www.cdfifund.gov.* Requests for additional information should be directed to Adam Martinez, Program Manager, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, or call (202) 653–0421. Please note that this is not a toll free number.

SUPPLEMENTARY INFORMATION:

Title: Capacity Building Initiative.

OMB Number: 1559–0042.

Abstract: Pursuant to the Community Development Banking and Financial Institutions Act of 1994 (the Act), as amended (12 U.S.C. 4701 et seq.), the CDFI Fund provides training and technical assistance to Community Development Financial Institutions (CDFIs) and similar entities in order to enhance their ability to make loans and investments and provide services for the benefit of designated investment areas and targeted populations. The information collected will be used to identify specific topics for training and technical assistance and develop course content which will be tailored to the needs and capacity levels of recipients. The requested information is necessary to support effective use of Federal resources.

Current Actions: Request for a new generic Information Collection Requests (ICR) approval.

Type of Review: Extension without change.

Affected Public: Certified CDFIs, entities seeking CDFI certification and similar entities.

Estimated Number of Respondents: 300.

Estimated Annual Time per Respondent: 30 hours.

Estimated Total Annual Burden Hours: 9,000 hours.

Requests for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record and may be published on the CDFI Fund Web site at *http://www.cdfifund.gov.* Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the CDFI Fund, including whether the information shall have practical utility; (b) the accuracy of the CDFI Fund's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Authority: 12 U.S.C. 1834a, 4703, 4703 note, 4713, 4717; 31 U.S.C. 321; 12 CFR part 1806.

Dated: June 20, 2014.

Dennis Nolan,

Deputy Director, Community Development Financial Institutions Fund.

[FR Doc. 2014–14893 Filed 6–24–14; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 12978

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing the names of 308 individuals and entities whose property and interests in property have been unblocked pursuant to Executive Order 12978 (the ''Order'') of October 21, 1995, ''Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers.'' As a result, U.S. persons no longer require authorization from OFAC to deal with the 308 individuals and entities, and any restrictions imposed by specific or general licenses issued by OFAC with respect to dealing with the 308 individuals and entities no longer apply.

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (''SDN List'') of the 308 individuals and entities identified in this notice whose property and interests in property were blocked pursuant to Executive Order 12978 of October 21, 1995, is effective on June 19, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On October 21, 1995, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 12978 (60 FR 54579, October 24, 1995) (the ''Order''). In the Order, the President declared a national emergency to deal with the threat posed by significant foreign narcotics traffickers centered in Colombia and the harm that they cause in the United States and abroad.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The foreign persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of Treasury, in consultation with the Attorney General and the Secretary of State: (a) to play a significant role in international narcotics trafficking centered in Colombia; or (b) to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order; and (3) persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated pursuant to the Order.

On June 19, 2014, the Director of OFAC removed from the SDN List the 308 individuals and entities listed below, whose property and interests in property were blocked pursuant to the Order. As a result, U.S. persons no longer require authorization from OFAC to deal with the 308 individuals and entities listed below, and any restrictions imposed by specific or general licenses issued by OFAC with respect to dealing with the 308 individuals and entities no longer apply.

Individuals

1. AGUILERA QUIJANO, Harold, c/o ASESORIAS COSMOS LTDA., Cali, Colombia; DOB 28 Feb 1958; Cedula No. 16594227 (Colombia) (individual) [SDNT].
2. ALDANA JUNCA, Jose Tiberio, c/o LATINFARMACOS S.A., Quito, Ecuador; c/o RIONAP S.A., Quito, Ecuador; DOB 13 Jul 1973; Cedula No. 79609622 (Colombia); Passport 79609622 (Colombia) (individual) [SDNT].
3. ALVAREZ GAVIRIA, Jaime Antonio, c/o EXPORT CAFE LTDA., Cali, Colombia; DOB 17 Aug 1947; Cedula No. 10060853 (Colombia) (individual) [SDNT].
4. ALVAREZ RAMOS, Prisiliano Enrique (a.k.a. ALVAREZ RAMOS, Prisciliano), c/o PREFABRICADOS Y AGREGADOS DE COLOMBIA LTDA., Cartagena, Colombia; DOB 20 Jun 1969; Cedula No. 70524763 (Colombia) (individual) [SDNT].
5. AMAYA OROZCO, Luis Alberto, Calle 18N No. 9–46, Cali, Colombia; c/o COMERCIALIZADORA DE CARNES DEL PACIFICO LTDA., Cali, Colombia; DOB 15 Sep 1945; Cedula No. 4882167 (Colombia) (individual) [SDNT].
6. ARIZA OLIVERA, Joaquin, c/o LITOPHARMA, Barranquilla, Colombia; Cedula No. 8721438 (Colombia) (individual) [SDNT].
7. ARLONE FACELLI, Roberto, c/o DISTRIBUIDORA DE DROGAS CONDOR S.A., Bogota, Colombia; DOB 24 Oct 1959; Cedula No. 16632415 (Colombia) (individual) [SDNT].
8. AVENDANO MUNERA, Jairo Ivan, Carrera 52 No. 41–81, Edificio El Polo, Medellin, Colombia; DOB 26 Aug 1960; Cedula No. 71589827 (Colombia) (individual) [SDNT].
9. BARONA DORADO, Fernando, c/o DISMERCOOP, Cali, Colombia; DOB 06 Jun 1963; Cedula No. 16688872 (Colombia) (individual) [SDNT].
10. BENITEZ SANCHEZ, Jose Arturo, c/o AMERICANA DE COSMETICOS S.A.,

Bogota, Colombia; c/o COSMEPOP, Bogota, Colombia; c/o DISTRIEXPORT S.A., Bogota, Colombia; c/o MAPRI DE COLOMBIA LTDA., Bogota, Colombia; Cedula No. 10276819 (Colombia); Passport 10276819 (Colombia) (individual) [SDNT].

11. BERNAL, Beatriz, c/o VILLARO LTDA., Bogota, Colombia; Cedula No. 65497873 (Colombia) (individual) [SDNT].
12. BLANCO BAHOQUE, Gabino Leon, c/o SU SERVICIO SOCIEDAD LTDA., Barranquilla, Colombia; Cedula No. 72136630 (Colombia) (individual) [SDNT].
13. BOTERO ARISTIZABAL, Maria Emma, c/o EUROMAR CARIBE S.A., Cartagena, Colombia; c/o INVERSIONES EL PROGRESO S.A., Cartagena, Colombia; c/o INVERSIONES LAMARC S.A., Cartagena, Colombia; Calle 7 No. 6–95, Edificio Marlin, Apto. 4A, Cartagena, Colombia; No. 22 del Conjunto Residencial Ciudadela Pasoancho II Etapa Conjunto 2 Urbanizacion Villas III Carrera 81 No. 13B–179, Cali, Colombia; Apto. No. 1003–B, Edificio Torres De La Cincuenta, Calle 9B No. 50–15, Cali, Colombia; Penthouse 802A, Carrera 77 No. 13A–1–29, Cali, Colombia; Carrera 92 No. 162–40, Bogota, Colombia; DOB 24 Sep 1951; POB Sonson, Antioquia, Colombia; Cedula No. 32518408 (Colombia) (individual) [SDNT].
14. CARMONA, Juan Manuel, c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o INVERSIONES RODRIGUEZ ARBELAEZ, Cali, Colombia; c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia; DOB 14 Jan 1933; Cedula No. 3524135 (Colombia) (individual) [SDNT].
15. CARRASQUILLA LORA, Jorge Eliecer, c/o CAJA SOLIDARIA, Bogota, Colombia; c/o COPSERVIR LTDA., Bogota, Colombia; Cedula No. 7461027 (Colombia) (individual) [SDNT].
16. CARRILLO QUINTERO, Eugenio, c/o BONOMERCAD S.A., Bogota, Colombia; c/o DECAFARMA S.A., Bogota, Colombia; c/o PATENTES MARCAS Y REGISTROS S.A., Bogota, Colombia; c/o SHARPER S.A., Bogota, Colombia; c/o DISTRIBUIDORA AGROPECUARIA COLOMBIANA S.A., Cali, Colombia; c/o CODISA, Bogota, Colombia; c/o SHARVET S.A., Bogota, Colombia; DOB 30 Nov 1960; Cedula No. 73094061 (Colombia) (individual) [SDNT].
17. CARVAJAL SUAREZ, Luz Mary, c/o DISMERCOOP, Cali, Colombia; DOB 07 Apr 1966; Cedula No. 24626230 (Colombia) (individual) [SDNT].
18. CASTANEDA CHACON, Olga Patricia, c/o ARCA DISTRIBUCIONES LTDA., Bogota, Colombia; c/o COOPERATIVA DE TRABAJO ASOCIADO ACTIVAR, Bogota, Colombia; Cedula No. 51870004 (Colombia) (individual) [SDNT].
19. CASTRO ARIAS, Libardo (a.k.a. ARIAS CASTRO, Libardo), c/o BONOMERCAD S.A., Bogota, Colombia; c/o COMEDICAMENTOS S.A., Bogota, Colombia; c/o DECAFARMA S.A., Bogota, Colombia; c/o GLAJAN S.A., Bogota, Colombia; c/o SHARPER S.A., Bogota, Colombia; c/o FOGENSA S.A., Bogota, Colombia; DOB 13 Oct 1933; Cedula No. 2312291 (Colombia); Passport 2312291 (Colombia) (individual) [SDNT].
20. CUJAR DE FORERO, Claudia, c/o BONOMERCAD S.A., Bogota, Colombia; c/o DISTRIBUIDORA AGROPECUARIA COLOMBIANA S.A., Cali, Colombia; Cedula No. 20198740 (Colombia) (individual) [SDNT].
21. DAZA RIVERA, Pablo Emilio, c/o FARMATODO S.A., Bogota, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador; c/o DISTRIBUIDORA MYRAMIREZ S.A., Bogota, Colombia; c/o DROGAS LA REBAJA, Cali, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia; c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES ABC S.A., Cali, Colombia; DOB 09 Mar 1947; Cedula No. 4904545 (Colombia) (individual) [SDNT].
22. DEL VASTO CERON, Luis Mario, c/o ADMINISTRADORA DE SERVICIOS VARIOS CALIMA S.A., Cali, Colombia; DOB 26 Jul 1947; Cedula No. 17181655 (Colombia); Passport 17181655 (Colombia) (individual) [SDNT].
23. DELGADO PRIETO, Roberto, c/o COLPHAR S.A., Bogota, Colombia; Cedula No. 13921914 (Colombia); Passport 13921914 (Colombia) (individual) [SDNT].
24. DELGADO, Jorge Armando, c/o COSMEPOP, Bogota, Colombia; c/o DISTRIBUIDORA MYRAMIREZ S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o COINTERCOS S.A., Bogota, Colombia; c/o COPSERVIR LTDA., Bogota, Colombia; c/o LABORATORIOS BLANCO PHARMA DE COLOMBIA S.A., Bogota, Colombia; c/o FARMATODO S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o ALFA PHARMA S.A., Bogota, Colombia; DOB 04 Aug 1958; Cedula No. 19354318 (Colombia) (individual) [SDNT].
25. DIAZ MATIZ, Maria Cecilia, c/o LEMOFAR LTDA., Bogota, Colombia; DOB 16 May 1950; Cedula No. 41510904 (Colombia); Passport 41510904 (Colombia) (individual) [SDNT].
26. DUARTE FAJARDO, Maria del Carmen, c/o MAGEN LTDA., Bogota, Colombia; DOB 12 Oct 1975; Cedula No. 63436645 (Colombia); Passport 63436645 (Colombia) (individual) [SDNT].
27. ECHEVERRY TRUJILLO, Oscar Alberto, Avenida 4N No. 17–23 piso 1, Cali, Colombia; Calle 43N No. 4–05, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o M.O.C. ECHEVERRY HERMANOS LTDA., Cali, Colombia; DOB 21 Oct 1964; Cedula No. 16272989 (Colombia) (individual) [SDNT].
28. ESTRADA RAMIREZ, Jose Arnoldo, c/o CLINICA ESPECIALIZADA DEL VALLE S.A., Cali, Colombia; c/o HIELO CRISTAL Y REFRIGERACION LTDA., Cali, Colombia; c/o INVERSIONES JAER LTDA., Cali, Colombia; c/o INVERSIONES SAN JOSE LTDA., Cali, Colombia; c/o CONSTRUCTORA CENTRAL DEL VALLE LTDA., Cali, Colombia; Calle 39 No. 1H–31, Cali, Colombia; Carrera 1H No. 39–56, Cali, Colombia; c/o PARQUE INDUSTRIAL LAS DELICIAS LTDA., Cali, Colombia; c/o MARIN ESTRADA Y CIA S. EN C.S., Cali, Colombia; DOB 14 Jul 1947; Cedula No. 16200018 (Colombia) (individual) [SDNT].
29. FERNANDEZ MONTERO, Marco Jose, c/o INVERSIONES EL PROGRESO S.A., Cartagena, Colombia; c/o INVERSIONES LAMARC S.A., Cartagena, Colombia; c/o ARAWAK HOLDING B.V., Amsterdam, Netherlands; c/o AURIGA INTERLEXUS S.L., Marbella, Malaga, Spain; c/o GENERAL DE OBRAS Y ALQUILERES S.A., Marbella, Malaga, Spain; c/o HORMAC PLANNING S.L., Marbella, Malaga, Spain; c/o QUANTICA PROJECT S.L., Marbella, Malaga, Spain; c/o TRACKING INOVATIONS S.L., Marbella, Malaga, Spain; c/o UNDER PAR REAL ESTATE S.L., Marbella, Malaga, Spain; Calle Marques Del Duero 76–3C San Pedro De Alcantara, Marbella, Malaga, Spain; Calle Sierra De Cazorla, Residencial La Cascada, Bloque 1, Bajos 1B, Marbella, Malaga, Spain; Calle Chamberi 7, Montellano, Becerril De La Sierra, Madrid 28490, Spain; DOB 21 Dec 1970; POB Madrid, Spain; Passport AC 018964 (Spain); D.N.I. 07497033–E (Spain) (individual) [SDNT].
30. FLOREZ SARAMA, Jorge Humberto, c/o ADMINISTRADORA DE SERVICIOS VARIOS CALIMA S.A., Cali, Colombia; c/o ASESORIAS DE INGENIERIA EMPRESA UNIPERSONAL, Cali, Colombia; c/o CHAMARTIN S.A., Cali, Colombia; c/o SERVICIOS DE LA SABANA E.U., Bogota, Colombia; Cedula No. 13007449 (Colombia); Passport 13007449 (Colombia) (individual) [SDNT].
31. GARCIA MONTILLA, Edgar Alberto (a.k.a. GARCIA MANTILLA, Edgar Alberto; a.k.a. GARCIA MOGAR, Edgar; a.k.a. GARCIA MONTELLA, Edgar Alberto), c/o REVISTA DEL AMERICA LTDA., Cali, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o COMERCIALIZACION Y FINANCIACION DE AUTOMOTORES S.A., Cali, Colombia; DOB 28 Nov 1946; Cedula No. 14936775 (Colombia); Passport AC365457 (Colombia); alt. Passport PE008603 (Colombia); alt. Passport PO564495 (Colombia); alt. Passport AA294885 (Colombia) (individual) [SDNT].
32. GIL RODRIGUEZ, Juan Felipe, c/o AMPARO R. DE GIL Y CIA. S.C.S., Cali, Colombia; c/o DROBLAM S.A., Cali, Colombia; DOB 07 Apr 1975; Cedula No. 94446642 (Colombia); Passport 94446642 (Colombia) (individual) [SDNT].
33. GOMEZ GALINDO, Omaira, Apartado Aereo 38028, Cali, Colombia; Avenida 6N No. 38–90, Cali, Colombia; c/o CONSTRUCTORA GOPEVA LTDA., Cali,

Colombia; DOB 12 Dec 1951; Cedula No. 31299825 (Colombia) (individual) [SDNT].

34. GONZALEZ ROBLEDO, Julio Cesar, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia; DOB 09 Feb 1936; Cedula No. 2905977 (Colombia) (individual) [SDNT].
35. GRUESO, Alexei, c/o INCOMMERCE S.A., Cali, Colombia; Cedula No. 16607352 (Colombia); Passport 16607352 (Colombia) (individual) [SDNT].
36. GUERRERO BRAND, Luis Hernando, c/o A G REPRESENTACIONES LTDA., Cali, Colombia; Cedula No. 16656929 (Colombia) (individual) [SDNT].
37. GUTIERREZ ARDILA, Eduardo, c/o EXPORT CAFE LTDA., Cali, Colombia; DOB 08 Aug 1958; Cedula No. 16642433 (Colombia) (individual) [SDNT].
38. HENAO DE SANCHEZ, Hortensia, c/o ALFA PHARMA S.A., Bogota, Colombia; DOB 17 Oct 1917; Cedula No. 29013554 (Colombia) (individual) [SDNT].
39. HENAO LOPEZ, Alberto (a.k.a. HENAO, Alberto Lopez), c/o ALFA PHARMA S.A., Bogota, Colombia; DOB 12 Aug 1913; Cedula No. 2630951 (Colombia) (individual) [SDNT].
40. HENAO VDA. DE BOTERO, Maria Yolanda, c/o ALFA PHARMA S.A., Bogota, Colombia; DOB 21 Jun 1929; Cedula No. 29070489 (Colombia) (individual) [SDNT].
41. HOLGUIN SARRIA, Alvaro, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DERECHO INTEGRAL Y CIA. LTDA., Cali, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; DOB 28 Oct 1946; Cedula No. 14950269 (Colombia) (individual) [SDNT].
42. JARAMILLO FRANCO, Harvy, c/o DISMERCOOP, Cali, Colombia; DOB 10 Aug 1965; Cedula No. 16711189 (Colombia) (individual) [SDNT].
43. LEAL RODRIGUEZ, Jose Guillermo, c/o PENTA PHARMA DE COLOMBIA S.A., Bogota, Colombia; c/o PENTACOOP LTDA., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o DECAFARMA S.A., Bogota, Colombia; DOB 01 Mar 1932; Cedula No. 89867 (Colombia) (individual) [SDNT].
44. MANJARREZ GRANDE, Jorge (a.k.a. MANJARRES GRANDE, Jorge), c/o GRACADAL S.A., Cali, Colombia; c/o INTERAMERICANA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o SERVIFAR S.A., Cali, Colombia; c/o RADIO UNIDAS F.M. S.A., Cali, Colombia; c/o SONAR F.M. S.A., Cali, Colombia; c/o ADMINISTRADORA DE SERVICIOS VARIOS CALIMA S.A., Cali, Colombia; ASESORIAS DE INGENIERIA EMPRESA UNIPERSONAL, Cali, Colombia; GENERAL DE NEGOCIOS Y ADMINISTRACION LTDA., Cali, Colombia; INVERSIETE S.A., Cali, Colombia; INVERSIONES Y CONSTRUCCIONES COSMOVALLE LTDA., Cali, Colombia; DOB 05 Jul 1959; Cedula No. 16632969 (Colombia); Passport 16632969 (Colombia) (individual) [SDNT].
45. MEFLA MOSQUERA, Aristides, c/o FARMALIDER S.A., Cali, Colombia; Cedula No. 6039981 (Colombia) (individual) [SDNT].
46. MEJIA URIBE, Hernando (a.k.a. URIBE PATINO, Juan Carlos), c/o EUROMAR CARIBE S.A., Cartagena, Colombia; c/o INGENIERIA TECNICA EN COMUNICACIONES LTDA., Cali, Colombia; c/o INVERSIONES LAMARC S.A., Cartagena, Colombia; c/o INVERSIONES EL PROGRESO S.A., Cartagena, Colombia; c/o PREFABRICADOS Y AGREGADOS DE COLOMBIA LTDA., Cartagena, Colombia; c/o SERVICIOS DE CONTROL INTEGRAL DE OBRAS S.L. SIP SUCURSAL CARTAGENA, Cartagena, Colombia; c/o COMERCIALIZADORA INTERNACIONAL ASFALTOS Y AGREGADOS LAS CASCAJERA S.A., Bogota, Colombia; c/o BIENES Y VALORES B Y V S.A., Bogota, Colombia; Calle 7 No. 6–95, Edificio Marlin, Apto. 4A, Cartagena, Colombia; No. 22 del Conjunto Residencial Ciudadela Pasoancho II Etapa Conjunto 2 Urbanizacion Villas III Carrera 81 No. 13B–179, Cali, Colombia; Carrera 11 No. 21–59/53 y 10–64, Cali, Colombia; Carrera 127 No. 10A–10, Cali, Colombia; Calle 11 No. 21–42, Cali, Colombia; Calle 21 No. 10–52, Cali, Colombia; Calle 21 No. 10–55, Cali, Colombia; Calle 22 No. 10–40, Cali, Colombia; Calle 22 No. 10–44, Cali, Colombia; Calle 54 No. 10–B–101, Barranquilla, Colombia; Los Pompones, Corregimiento De Rejoya, Popayan, Cauca, Colombia; DOB 20 Dec 1949; POB Manizalez, Caldas, Colombia; Cedula No. 8308983 (Colombia); alt. Cedula No. 16796652 (Colombia) (individual) [SDNT].
47. MOLINA QUINTAN, Leticia, c/o DISFOGEN LTDA., Bogota, Colombia; Cedula No. 24718126 (Colombia) (individual) [SDNT].
48. MONTANO BERMUDEZ, Libardo, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia; DOB 04 Jul 1942; Cedula No. 17083296 (Colombia) (individual) [SDNT].
49. MORA ROMERO, Gloria Isabel, c/o FARFALLA INVESTMENT S.A., Panama City, Panama; c/o PREMIER SALES S.A., Panama; Cedula No. 4–192–157 (Panama); alt. Cedula No. No. 4–194–157 (Panama) (individual) [SDNT].
50. MUNOZ RODRIGUEZ, Juan Carlos, c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o GRACADAL S.A., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES ABC S.A., Cali, Colombia; c/o CREDIREBAJA S.A., Cali, Colombia; c/o ASESORIAS ECONOMICAS MUNOZ SANTACOLOMA E.U., Cali, Colombia; c/o ASPOIR DEL PACIFICO Y CIA. LTDA., Cali, Colombia; c/o COMERCIALIZADORA INTERTEL S.A., Cali, Colombia; c/o CONTACTEL COMUNICACIONES S.A., Cali, Colombia; c/o DISTRIBUIDORA SANAR DE COLOMBIA S.A., Cali, Colombia; c/o REPRESENTACIONES Y DISTRIBUCIONES HUERTAS Y ASOCIADOS S.A., Bogota, Colombia; c/o FUNDASER, Cali, Colombia; c/o LATINFAMRACOS S.A., Quito, Ecuador; DOB 25 Sep 1964; Cedula No. 16703148 (Colombia); Passport 16703148 (Colombia) (individual) [SDNT].
51. OROZCO LOPEZ, Orlando, c/o ASESORIAS ECONOMICAS MUNOZ SANTACOLOMA E.U., Cali, Colombia; c/o CHAMARTIN S.A., Cali, Colombia; Cedula No. 16736406 (Colombia); Passport 16736406 (Colombia) (individual) [SDNT].
52. PARRA MILLARES, Sixto, c/o INVERSIONES EL PROGRESO S.A., Cartagena, Colombia; c/o INVERSIONES LAMARC S.A., Cartagena, Colombia; c/o SERVICIOS DE CONTROL INTEGRAL DE OBRAS S.L. SIP SUCURSAL CARTAGENA, Cartagena, Colombia; Cedula No. 73190399 (Colombia) (individual) [SDNT].
53. PAZ MAHECHA, Gonzalo Rodrigo, Carrera 4 No. 11–45 of. 802, Cali, Colombia; Carrera 4 No. 11–45 of. 809, Cali, Colombia; Transversal 98 No. 28A–46, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia; Calle 13A No. 66B–60 apt. 102A, Cali, Colombia; Calle 102 No. 48A–08, Bogota, Colombia; Carrera 4 No. 11–45 apt. 621, Cali, Colombia; Carrera 4 No. 11–45 apt. 624, Cali, Colombia; Calle 13 No. 4–25 piso 6, Cali, Colombia; Calle 13A No. 66B–60 apt. 902A, Cali, Colombia; Calle 13A No. 66B–60 apt. 101A, Cali, Colombia; DOB 28 Sep 1957; Cedula No. 16590653 (Colombia) (individual) [SDNT].
54. PELAEZ DE HENAO, Teresa, c/o ALFA PHARMA S.A., Bogota, Colombia; DOB 11 Jan 1928; Cedula No. 29013555 (Colombia) (individual) [SDNT].
55. PEREZ GARCIA, Carlos, c/o ASESORIAS COSMOS LTDA., Cali, Colombia; Cedula No. 14920419 (Colombia) (individual) [SDNT].
56. PEREZ VARELA, Jaime Diego, c/o CONSTRUCTORA GOPEVA LTDA., Cali, Colombia; Avenida Ciudad Jardin No. 27, Cali, Colombia; DOB 28 Feb 1933; Cedula No. 2695666 (Colombia) (individual) [SDNT].
57. PINEROS LEON, Miguel Esteban, c/o COPSERVIR LTDA., Bogota, Colombia; Carrera 50 No. 173–12, Bogota, Colombia; Cedula No. 468712 (Colombia) (individual) [SDNT].
58. RAMIREZ M., Oscar, c/o VALORES MOBILIARIOS DE OCCIDENTE S.A., Bogota, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o RIONAP COMERCIO Y

REPRESENTACIONES S.A., Quito, Ecuador (individual) [SDNT].

59. RAMIREZ NUNEZ, James Alberto, c/o ANDINA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o GRACADAL S.A., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES COSMOVALLE LTDA., Cali, Colombia; c/o DISMERCOOP, Cali, Colombia; c/o INTERAMERICA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o INVERSIONES MONDRAGON Y CIA. S.C.S., Cali, Colombia; c/o SERVICIOS FARMACEUTICOS SERVIFAR S.A., Cali, Colombia; Carrera 5 No. 24–63, Cali, Colombia; DOB 21 Apr 1962; Cedula No. 16691796 (Colombia) (individual) [SDNT].
60. RAMOS RODRIGUEZ, Laureano, c/o INVERSIONES EL PROGRESO S.A., Cartagena, Colombia; c/o INVERSIONES LAMARC S.A., Cartagena, Colombia; c/o SERVICIOS DE CONTROL INTEGRAL DE OBRAS S.L. SIP SUCURSAL CARTAGENA, Cartagena, Colombia; c/o SERVICIOS DE CONTROL INTEGRAL DE OBRAS S.L., Campanillas, Malaga, Spain; c/o SERVICIOS DE CONTROL INTEGRAL FACILITIES MANAGEMENT S.L., Campanillas, Malaga, Spain; c/o SIP CONSULTANCY SERVICES S.L., Campanillas, Malaga, Spain; c/o PATRIMONIO DE GESTION Y ADMINISTRACION SIP S.L., Fuengirola, Malaga, Spain; c/o LAUREANO RAMOS GABINETE TECNICO S.L., Fuengirola, Malaga, Spain; c/o GESTION DE ADMINISTRACIONES SIP S.L., Fuengirola, Malaga, Spain; c/o COLOMBIA REAL ESTATE DEVELOPMENT B.V., Amsterdam, Netherlands; Calle Marie 4 1–D9, Campanillas, Malaga, Spain; DOB 08 Nov 1963; POB Fuengirola, Malaga, Spain; Passport AD 320707 (Spain); alt. Passport BA 848697 (Spain); D.N.I. 27377459–F (Spain) (individual) [SDNT].
61. REINA MOLINA, Miguel Sigifredo, c/o DISTRIBUIDORA DEL VALLE E.U., Bogota, Colombia; Cedula No. 8401802 (Colombia); Passport 8401802 (Colombia) (individual) [SDNT].
62. RESTREPO VILLEGAS, Camilio, c/o PLASTICOS CONDOR LTDA., Cali, Colombia; c/o FLEXOEMPAQUES LTDA., Cali, Colombia; Calle 116 No. 12–49, Bogota, Colombia; DOB 27 Dec 1938; Cedula No. 6051150 (Colombia) (individual) [SDNT].
63. RODRIGUEZ MONDRAGON, Humberto, c/o MAXITIENDAS TODO EN UNO, Cali, Colombia; c/o PENTA PHARMA DE COLOMBIA S.A., Bogota, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o GRACADAL S.A., Cali, Colombia; c/o INTERAMERICA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o ANDINA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o FARMATODO S.A., Bogota, Colombia; c/o MARIELA DE RODRIGUEZ Y CIA. S. EN C., Cali, Colombia; c/o CLAUDIA PILAR RODRIGUEZ Y CIA. S.C.S., Bogota, Colombia; c/o D'CACHE S.A., Cali, Colombia; c/o INDUSTRIAL DE GESTION DE NEGOCIOS E.U., Cali, Colombia; c/o INVERSIONES MONDRAGON Y CIA. S.C.S., Cali, Colombia; c/o CREDIREBAJA S.A., Cali, Colombia; c/o ADMINISTRADORA DE SERVICIOS VARIOS CALIMA S.A., Cali, Colombia; c/o ASESORIAS PROFESIONALES ESPECIALIZADAS EN NEGOCIOS E.U., Cali, Colombia; c/o BONOMERCAD S.A., Bogota, Colombia; c/o CODISA, Bogota, Colombia; c/o COMERCIALIZADORA INTERTEL S.A., Cali, Colombia; c/o COPSERVIR LTDA., Bogota, Colombia; c/o COSMEPOP, Bogota, Colombia; c/o DECAFARMA S.A., Bogota, Colombia; c/o DROCARD S.A., Bogota, Colombia; c/o FARMACOOP, Bogota, Colombia; c/o DISTRIBUIDORA SANAR DE COLOMBIA S.A., Cali, Colombia; c/o FOGENSA S.A., Bogota, Colombia; c/o PROSALUD Y BIENESTAR S.A., Cali, Colombia; c/o REPRESENTACIONES Y DISTRIBUCIONES HUERTAS Y ASOCIADOS S.A., Bogota, Colombia; c/o VALORES CORPORATIVOS ESPANOLES S.L., Madrid, Spain; c/o FUNDASER, Cali, Colombia; c/o LATINFAMRACOS S.A., Quito, Ecuador; c/o ALERO S.A., Cali, Colombia; c/o MEGAPLAST S.A., Palmira, Valle, Colombia; DOB 21 Jun 1963; Cedula No. 16688683 (Colombia); Passport AD387757 (Colombia); alt. Passport 16688683 (Colombia) (individual) [SDNT].
64. RODRIGUEZ MONDRAGON, Jaime; DOB 30 Mar 1960; Cedula No. 16637592 (Colombia); Passport AE426347 (Colombia); alt. Passport 16637592 (Colombia); N.I.E. x2641093–A (Spain) (individual) [SDNT] (Linked To: PLASTICOS CONDOR LTDA.; Linked To: LABORATORIOS KRESSFOR DE COLOMBIA S.A.; Linked To: FLEXOEMPAQUES LTDA.; Linked To: LABORATORIOS BLAIMAR DE COLOMBIA S.A.; Linked To: PENTA PHARMA DE COLOMBIA S.A.; Linked To: RIONAP COMERCIO Y REPRESENTACIONES S.A.; Linked To: DISTRIBUIDORA DE DROGAS CONDOR LTDA.; Linked To: DISTRIBUIDORA DE DROGAS LA REBAJA S.A.; Linked To: DEPOSITO POPULAR DE DROGAS S.A.; Linked To: D'CACHE S.A.; Linked To: ASESORIAS DE INGENIERIA EMPRESA UNIPERSONAL; Linked To: BONOMERCAD S.A.; Linked To: DECAFARMA S.A.; Linked To: DROCARD S.A.; Linked To: JAROMO INVERSIONES S.L.; Linked To: PROSPECTIVA EMPRESA UNIPERSONAL; Linked To: REPRESENTACIONES Y DISTRIBUCIONES HUERTAS Y ASOCIADOS S.A.; Linked To: SERVICIOS DE LA SABANA E.U.; Linked To: FUNDASER; Linked To: ALERO S.A.; Linked To: DISMERCOOP; Linked To: DISTRIBUIDORA MIGIL LTDA.; Linked To: LATINOAMERICANA DE FARMACOS S.A.).
65. RODRIGUEZ MONDRAGON, Maria Alexandra (a.k.a. RODRIGUEZ MONDRAGON, Alexandra); DOB 30 May 1969; alt. DOB 05 May 1969; Cedula No. 66810048 (Colombia); Passport AD359106 (Colombia); alt. Passport 66810048 (Colombia); N.I.E. X2561613–B (Spain) (individual) [SDNT] (Linked To: LABORATORIOS BLANCO PHARMA S.A.; Linked To: DEPOSITO POPULAR DE DROGAS S.A.; Linked To: DISTRIBUIDORA MIGIL LTDA.; Linked To: PENTA PHARMA DE COLOMBIA S.A.; Linked To: TOBOGON; Linked To: DISTRIBUIDORA DE DROGAS CONDOR LTDA.; Linked To: DISTRIBUIDORA DE DROGAS LA REBAJA S.A.; Linked To: LABORATORIOS BLAIMAR DE COLOMBIA S.A.; Linked To: DISMERCOOP; Linked To: INTERAMERICANA DE CONSTRUCCIONES S.A.; Linked To: D'CACHE S.A.; Linked To: MARIELA MONDRAGON DE R. Y CIA. S. EN C.; Linked To: DROCARD S.A.; Linked To: INVERSIONES INMOBILIARIAS VALERIA S.L.; Linked To: SISTEMAS Y SERVICIOS TECNICOS EMPRESA UNIPERSONAL; Linked To: FUNDASER; Linked To: ALERO S.A.).
66. RODRIGUEZ PINZON, Manuel, c/o LABORATORIOS KRESSFOR, Bogota, Colombia; c/o ALFA PHARMA S.A., Cali, Colombia; DOB 12 Mar 1947; Cedula No. 17171485 (Colombia) (individual) [SDNT].
67. ROJAS GOMEZ, Miryam Yaneth, c/o VALORCORP S.A., Bogota, Colombia; Cedula No. 23323121 (Colombia) (individual) [SDNT].
68. ROJAS ORTIS, Rosa, c/o ALFA PHARMA S.A., Cali, Colombia; DOB 09 Nov 1941; Cedula No. 26577444 (Colombia) (individual) [SDNT].
69. RUIZ HERNANDEZ, Gregorio Rafael, c/o COMERCIALIZADORA OROBANCA, Cali, Colombia; DOB 20 May 1963; Cedula No. 16823501 (Colombia) (individual) [SDNT].
70. SANCHEZ OLAYA, Martha, c/o LABORATORIOS PROFARMA LTDA., Bogota, Colombia; DOB 20 May 1963; Cedula No. 65692953 (Colombia); Passport 65692953 (Colombia) (individual) [SDNT].
71. SARRIA HOLGUIN, Ramiro Hernan (a.k.a. SARRIA HOLGUIN, Robert), Carrera 100 No. 11–60 of. 603, AA 20903, Cali, Colombia; Avenida 6N No. 23D–16 of. L301, Cali, Colombia; c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia; c/o INVERSIONES ARA

LTDA., Cali, Colombia; c/o INVERSIONES MIGUEL RODRIGUEZ E HIJO, Cali, Colombia; c/o INVERSIONES RODRIGUEZ ARBELAEZ, Cali, Colombia; c/o REPARACIONES Y CONSTRUCCIONES LTDA., Cali, Colombia; c/o VALORES MOBILIARIOS DE OCCIDENTE S.A., Cali, Colombia; Cedula No. 6078583 (Colombia) (individual) [SDNT].

72. SERRANO PONCE, Jose Delio, c/o DISMERCOOP, Cali, Colombia; DOB 13 Apr 1965; Cedula No. 16711205 (Colombia) (individual) [SDNT].
73. TREJOS MARQUEZ, Arnulfo, Carrera 4 No. 9–17 of. 308, AA 38028, Cali, Colombia; c/o CONSTRUCTORA TREMI LTDA., Cali, Colombia; DOB 05 Sep 1947; Cedula No. 6090595 (Colombia) (individual) [SDNT].
74. TRIANA TEJADA, Luis Humberto, c/o COMERCIALIZADORA DE CARNES DEL PACIFICO LTDA., Cali, Colombia; DOB 27 Jul 1943; Cedula No. 4916206 (Colombia) (individual) [SDNT].
75. VALENCIA GALLEGO, Jesus Antonio, c/o DISMERCOOP, Cali, Colombia; DOB 09 Sep 1957; Cedula No. 16447249 (Colombia) (individual) [SDNT].
76. VERTEL ANAYA, Clara Julia, c/o PREFABRICADOS Y AGREGADOS DE COLOMBIA LTDA., Cartagena, Colombia; DOB 21 Mar 1969; Cedula No. 42652411 (Colombia) (individual) [SDNT].
77. VICTORIA, Mercedes, c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o INVERSIONES GEELE LTDA., Bogota, Colombia; c/o COMPAX LTDA., Cali, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia (individual) [SDNT].
78. YEPES LOPEZ, Maria Emma, c/o MAPRI DE COLOMBIA LTDA., Bogota, Colombia; Cedula No. 25015128 (Colombia); Passport 25015128 (Colombia) (individual) [SDNT].

Entities

1. 2000 DOSE E.U. (a.k.a. DOMA E M), Calle 31 No. 1–34, Cali, Colombia; NIT #805015749–3 (Colombia) [SDNT].
2. 2000–DODGE S.L., Calle Gran Via 80, Madrid, Madrid, Spain; C.I.F. B83149955 (Spain) [SDNT].
3. ACTIVAR (a.k.a. COOPERATIVA DE TRABAJO ASOCIADO ACTIVAR), Calle 22B No. 56–63, Bogota, Colombia; Calle 44 No. 17–44, Bogota, Colombia; Carrera 6 No. 11–43 of. 505, Cali, Colombia; Carrera 23 No. 37–39 of. 202, Bogota, Colombia; NIT #830099918–2 (Colombia) [SDNT].
4. ADMACOOP (a.k.a. COOPERATIVA MULTIACTIVA DE ADMINISTRACION Y MANEJO ADMACOOP), Calle 12B No. 28–58, Bogota, Colombia; Carrera 28A No. 14–29, Bogota, Colombia; NIT #830030933–6 (Colombia) [SDNT].
5. ADMINISTRADORA DE SERVICIOS VARIOS CALIMA S.A., Calle 10 No. 4–47, piso 18, Cali, Colombia; Carrera 29A No. 9B–47, Cali, Colombia; NIT #805007874–2 (Colombia) [SDNT].
6. AGRICOLA HUMYAMI LTDA., Apartado Aereo 30352, Cali, Colombia [SDNT].
7. ALERO S.A., Carrera 7 No. 34–341 Bodega 3, Cali, Colombia; NIT #800239872–5 (Colombia) [SDNT].
8. ALFA PHARMA S.A., Diagonal 17 No. 28A–80, Bogota, Colombia [SDNT].
9. AMERICANA DE COSMETICOS S.A., Calle 12B No. 27–39, Bogota, Colombia; Calle 12B No. 27–40, Int. 4 of., Bogota, Colombia; Carrera 12 No. 71–53 of. 502, Bogota, Colombia; Carrera 28 No. 11–65 of. 707, Bogota, Colombia; Carrera 70 No. 54–30, Bogota, Colombia; NIT #830028750–9 (Colombia) [SDNT].
10. AMPARO RODRIGUEZ DE GIL Y CIA. S. EN C., Avenida 4N No. 5N–20, Cali, Colombia [SDNT].
11. ANDINA DE CONSTRUCCIONES S.A., Cali, Colombia [SDNT].
12. AQUILEA S.A., Carrera 21 No. 13B–21, Cali, Colombia; Carrera 21 No. 13B–33, Cali, Colombia; Carrera 23 No. 12–41, Cali, Colombia; NIT #900061351–6 (Colombia) [SDNT].
13. ARAWAK HOLDING B.V., Locatellikade 1 Parnassustrn, Amsterdam 1076 AZ, Netherlands; P.O. Box 87459, Amsterdam 1080 JL, Netherlands; Tax ID No. Haarlem 34288894 (Netherlands) [SDNT].
14. ARCA DISTRIBUCIONES LTDA., Carrera 23 No. 37–39 of. 202, Bogota, Colombia; NIT #830131785–6 (Colombia) [SDNT].
15. ASESORIAS COSMOS LTDA., Carrera 40 No. 6–50 apt. 13–01, Cali, Colombia [SDNT].
16. ASESORIAS DE INGENIERIA EMPRESA UNIPERSONAL (a.k.a. ASING E.U.), Calle 29 Norte No. 6N–43, Cali, Colombia; NIT #805005185–7 (Colombia) [SDNT].
17. ASESORIAS ECONOMICAS MUNOZ SANTACOLOMA E.U. (a.k.a. ASEMS E.U.), Calle 18 No. 106–98 of. 207, Cali, Colombia; NIT #805012381–3 (Colombia) [SDNT].
18. ASESORIAS PROFESIONALES ESPECIALIZADAS EN NEGOCIOS E.U. (a.k.a. ASPEN E.U.), Calle 9 No. 46–69, Cali, Colombia; NIT #805020437–0 (Colombia) [SDNT].
19. ASH TRADING, INC., 14420 NW 16TH St., Pembroke Pines, FL 33028; US FEIN 65–1128351; Business Registration Document #P01000078571 (United States) [SDNT].
20. ASISTENCIA PROFESIONAL ESPECIALIZADA EN COLOMBIA LIMITADA (a.k.a. ASPRECOL LIMITADA), Avenida 11 Norte No. 7N–201 of. 202, Edificio Aleph, Cali, Colombia; NIT #805021375–7 (Colombia) [SDNT].
21. ASPOIR DEL PACIFICO Y CIA. LTDA., Cali, Colombia [SDNT].
22. AURIGA INTERLEXUS S.L., Calle Marques Del Duero, 76 (PLT 3C), San Pedro De Alcantara, Marbella, Malaga 29670, Spain; C.I.F. B–64252703 (Spain) [SDNT].
23. BIENES Y VALORES B Y V S.A. (a.k.a. B Y V S.A.), Calle 100 No. 8A–49, Trr. B, Oficina 505, Bogota, Colombia; NIT #900058166–9 (Colombia) [SDNT].
24. BONOMERCAD S.A. (f.k.a. DECACOOP S.A.), Transversal 29 No. 39–92, Bogota, Colombia; NIT #830018919–3 (Colombia) [SDNT].
25. C Y S MEDIOS E.U., Calle 18 No. 106–98 of. 305, Cali, Colombia; NIT #805015105–0 (Colombia) [SDNT].
26. CAFE ANDINO S.L., Calla Cochabamba 2, Madrid, Madrid, Spain; C.I.F. B81891244 (Spain) [SDNT].
27. CAJA SOLIDARIA (a.k.a. COOPERATIVA DE AHORRO Y CREDITO DE COLOMBIA; a.k.a. COOPERATIVA MULTIACTIVA DE COMERCIALIZACION Y SERVICIOS), Avenida 22 No. 40–77 of. 202, Bogota, Colombia; Avenida 22 No. 44–70 of. 202, Bogota, Colombia; Calle 12B No. 27–39, Bogota, Colombia; Carrera 13A No. 89–38 of. 713, Bogota, Colombia; Carrera 13A No. 28–38 of. 216 Parque, Bogota, Colombia; Transversal 29 No. 35A–29, Bogota, Colombia; NIT #830033942–6 (Colombia) [SDNT].
28. CHAMARTIN S.A., Calle 10 No. 4–47, piso 18, Cali, Colombia; NIT #805024137–4 (Colombia) [SDNT].
29. CLAUDIA PILAR RODRIGUEZ Y CIA. S.C.S., Calle 17A No. 28A–43, Bogota, Colombia; NIT #830007201–7 (Colombia) [SDNT].
30. CLINICA ESPECIALIZADA DEL VALLE S.A. (a.k.a. C.E.V. S.A.), Apartado Aereo 32412, Cali, Colombia; Carrera 46 No. 9C–85, Cali, Colombia; Carrera 40 No. 6–50, Of. 1501, Cali, Colombia; Calle 10 No. 44A–26, Cali, Colombia; NIT #800134099–6 (Colombia) [SDNT].
31. CODISA (a.k.a. COOPERATIVA MULTIACTIVA DE DISTRIBUCION Y SERVICIOS ADMINISTRATIVOS), Calle 17A No. 28A–43, Bogota, Colombia; Calle 23 No. 19–75, Bogota, Colombia; NIT #860524476–1 (Colombia) [SDNT].
32. COINTERCOS S.A. (f.k.a. BLAIMAR; a.k.a. CIA. INTERAMERICANA DE COSMETICOS S.A.; f.k.a. LABORATORIOS BLAIMAR DE COLOMBIA S.A.), Calle 12B No. 27–39, Bogota, Colombia; Apartado Aereo 33248, Bogota, Colombia; NIT #860511578–8 (Colombia) [SDNT].
33. COLFARMA PERU S.A., Av. Los Plateros 145 piso 2, Urb. El Artesano Ate, Lima, Peru; RUC #2033645155 (Peru) [SDNT].
34. COLIMEX LTDA., Calle 29 Norte No. 6N–43, Cali, Colombia; NIT #800256902–1 (Colombia) [SDNT].
35. COLOMBIA REAL ESTATE DEVELOPMENT B.V., Locatellikade 1 Parnassustrn, Amsterdam 1076 AZ, Netherlands; P.O. Box 87459, Amsterdam 1080 JL, Netherlands; Tax ID No. Haarlem 34288890 (Netherlands) [SDNT].
36. COLOR 89.5 FM STEREO, Calle 15N No. 6N–34 piso 15, Edificio Alcazar, Cali, Colombia; Calle 19N No. 2N–29, Cali, Colombia [SDNT].
37. COMEDICAMENTOS S.A., Transversal 29 No. 39–92, Bogota, Colombia; NIT #830030803–7 (Colombia) [SDNT].
38. COMERCIALIZADORA DE CARNES DEL PACIFICO LTDA., Calle 25 No. 8–54, Cali, Colombia [SDNT].
39. COMERCIALIZADORA DE LINEAS PHARMACEUTICAS S.A. (a.k.a. COLPHAR S.A.), Calle 39 Bis A No. 27–16, Bogota, Colombia; Calle 94A No. 13–

91 of. 402, Bogota, Colombia; NIT #830074552–2 (Colombia) [SDNT].
40. COMERCIALIZADORA DE PRODUCTOS FARMACEUTICOS LTDA., Manzana 48 Casa 12 Etapa 2 Simon Bolivar, Ibague, Colombia; NIT #809010102–0 (Colombia) [SDNT].
41. COMERCIALIZADORA DIGLO LTDA., Calle 23 No. 19–75, Bogota, Colombia; NIT #800789578–3 (Colombia) [SDNT].
42. COMERCIALIZADORA INTERNACIONAL ASFALTOS Y AGREGADOS LAS CASCAJERA S.A. (a.k.a. A Y A LA CASCAJERA S.A.), Calle 100 No. 8A–49, Trr. B, Oficina 505, Bogota, Colombia; NIT #900155202–1 (Colombia) [SDNT].
43. COMERCIALIZADORA INTERTEL S.A., Calle 18 No. 106–98 of. 207, 302, 303, Cali, Colombia; Calle 19 No. 9–50 of. 1501, Cali, Colombia; Carrera 42 No. 9D–49, Cali, Colombia; NIT #805015152–7 (Colombia) [SDNT].
44. COMERCIALIZADORA OROBANCA (a.k.a. SOCIR S.A.; a.k.a. SOUCIR S.A.), Calle 36A No. 3GN–07 of. 302, Edificio El Parque, Cali, Colombia; Calle 22N No. 5A–75 of. 702, Edificio Via Veneto, Cali, Colombia [SDNT].
45. COMTECO LTDA. (a.k.a. COMUNICACIONES TECNICAS DE COLOMBIA LIMITADA), Calle 44 Norte No. 2BN–08, Cali, Colombia; Calle 12N No. 9N–58, Cali, Colombia; NIT #800113514–1 (Colombia) [SDNT].
46. COMUDROGAS LTDA. (a.k.a. COOPERATIVA MULTIACTIVA DE DROGUISTAS LTDA.; a.k.a. COOPERATIVA MULTISERVICIOS DE DROGUISTAS LTDA.), Calle 8 No. 31–03, Cali, Colombia; Calle 28 No. 22–25/27/39, Bucaramanga, Colombia; Carrera 49B No. 75–63 Local 2, Barranquilla, Colombia; NIT #804001143–6 (Colombia) [SDNT].
47. COMUNICACION VISUAL LTDA. (a.k.a. COMVIS LTDA.), Calle 11 No. 19–44, Cali, Colombia [SDNT].
48. CONSTRUCCIONES AVENDANO GUTIERREZ Y CIA. LTDA. (a.k.a. CONAGE LTDA.), Carrera 71 No. 57–07, Bogota, Colombia; NIT #800211560–0 (Colombia) [SDNT].
49. CONSTRUCCIONES COLOMBO–ANDINAS LTDA., Carrera 8 No. 16–79 of. 504, Bogota, Colombia; Calle 29 No. 36–61, Bogota, Colombia; NIT #860505252–8 (Colombia) [SDNT].
50. CONSTRUCTORA CENTRAL DEL VALLE LTDA. (a.k.a. C.C.V. LTDA.), Calle 10 No. 44A–26, Cali, Colombia; NIT #800144098–1 (Colombia) [SDNT].
51. CONSTRUCTORA GOPEVA LTDA., Avenida 3A No. 51–15, Cali, Colombia [SDNT].
52. CONSTRUCTORA TREMI LTDA., Carrera 1A Oeste No. 68–75, Cali, Colombia [SDNT].
53. CONSULTORIA SANTAFE E.U., Carrera 13A No. 89–38 of. 713, Bogota, Colombia; NIT #830043033–9 (Colombia) [SDNT].
54. CONTACTEL COMUNICACIONES S.A., Calle 5 No. 46–83 local 218, Cali, Colombia; Calle 18 No. 106–98 of. 302, 303, Cali, Colombia; NIT #805020429–1 (Colombia) [SDNT].
55. COOMULCOSTA (a.k.a. COOPERATIVA MULTIACTIVA DE LA COSTA COOMULCOSTA LTDA.), Carrera 14 No. 35B Esquina, Barranquilla, Colombia; Carrera 48 No. 76–49, Barranquilla, Colombia; Via 40 No. 71–197 Bodega 504, Barranquilla, Colombia; NIT #802006273–0 (Colombia) [SDNT].
56. COOPCREAR (a.k.a. COOPERATIVA DE TRABAJO ASOCIADO DE COLOMBIA), Avenida 13 No. 78–54, Cali, Colombia; Calle 13 No. 78–54, Cali, Colombia; Transversal 29 No. 35A–29, Bogota, Colombia; NIT #830066040–1 (Colombia) [SDNT].
57. COOPERATIVA MERCANTIL COLOMBIANA COOMERCOL (a.k.a. COOMERCOL), Diagonal 24 Transv. 11–99, Cali, Colombia; Calle 8 No. 31–11 Local 2, Cali, Colombia; Pereira, Colombia; NIT #805010372–8 (Colombia) [SDNT].
58. COOPERATIVA MERCANTIL DEL SUR LTDA. (a.k.a. COOMERSUR; a.k.a. COOPMERSUR), Carrera 43 No. 16A–19 La Colina, Pasto, Colombia; NIT #814002508–1 (Colombia) [SDNT].
59. COOPERATIVA MULTIACTIVA DE COLOMBIA FOMENTAMOS (a.k.a. FOMENTAMOS), Transversal 29 No. 35A–29, Bogota, Colombia; NIT #830060914–4 (Colombia) [SDNT].
60. COOPERATIVA MULTIACTIVA DE COMERC. DROGUISTA Y FARMACEUTICA DROFARCO (a.k.a. DROFARCO), Calle 110 No. 6–336, Barranquilla, Colombia; Metroparque Bodega Mz. 3, Barranquilla, Colombia; Via Circunvalar, Bodega M–A–3, Barranquilla, Colombia; NIT #802012877–3 (Colombia) [SDNT].
61. COOPERATIVA MULTIACTIVA DE DISTRIBUCION FARMAVISION LTDA. (a.k.a. FARMAVISION LTDA.), Carrera 24 No. 4–19, Bogota, Colombia; NIT #830037372–6 (Colombia) [SDNT].
62. COOPERATIVA MULTIACTIVA DISTRIBUIDORA DE SANTANDER COOPDISAN (a.k.a. COOPDISAN), Calle 45 No. 9 Occ-04, Bucaramanga, Colombia; Calle 52 No. 31–148 of. 201, Bucaramanga, Colombia; Calle 52 No. 31–148, Bucaramanga, Colombia; Carrera 27 No. 65–60 La Victoria, Bucaramanga, Colombia; Carrera 33 No. 108–49, Floridablanca, Colombia; NIT #804005384–2 (Colombia) [SDNT].
63. COOPIFARMA (a.k.a. COOPERATIVA MULTIACTIVA DE COMERCIALIZACION Y SERVICIOS DE COLOMBIA), Calle 54 No. 22–50, Bucaramanga, Colombia; Carrera 13A No. 28–38 of. 215, Bogota, Colombia; Carrera 27 No. 47A–06, Bogota, Colombia; NIT #830071338–9 (Colombia) [SDNT].
64. COPSERVIR LTDA. (a.k.a. COOPERATIVA MULTIACTIVA DE EMPLEADOS DE DISTRIBUIDORES DE DROGAS COPSERVIR LTDA.; f.k.a. DISTRIBUIDORA DE DROGAS LA REBAJA PRINCIPAL S.A.; f.k.a. DISTRIBUIDORA DE DROGAS LA REBAJA S.A.; f.k.a. DROGAS LA REBAJA), Calle 4 No. 22–24, Bogota, Colombia; Carrera 66A No. 53–47 piso 3, Bogota, Colombia; Calle 18 No. 121–130 Avenida Canasgordas Pance, Cali, Colombia; Calle 10 No. 4–47 piso 19, Cali, Colombia; Calle 14 No. 6–66, Cali, Colombia; Carrera 7 No. 13–132 piso 4, Cali, Colombia; Carrera 7A No. 14–25 piso 2, Cali, Colombia; Carrera 10 No. 11–71, Cali, Colombia; Carrera 99 No. 46A–10 Bdg 6 y 8, Bogota, Colombia; NIT #830011670–3 (Colombia) [SDNT].
65. COSMEPOP (f.k.a. BLAIMAR; f.k.a. CIA. INTERAMERICANA DE COSMETICOS S.A.; f.k.a. COINTERCOS S.A.; a.k.a. COOPERATIVA DE COSMETICOS Y POPULARES COSMEPOP; f.k.a. LABORATORIOS BLAIMAR DE COLOMBIA S.A.; f.k.a. LABORATORIOS BLANCO PHARMA S.A.), A.A. 55538, Bogota, Colombia; Calle 12B No. 27–37/39, Bogota, Colombia; Calle 26 Sur No. 7–30 Este, Bogota, Colombia; Carrera 99 y 100 No. 46A–10, Bodega 4, Bogota, Colombia; Calle 12A No. 27–72, Bogota, Colombia; NIT #800251322–5 (Colombia) [SDNT].
66. CPV SISTEMAS GRAFICOS S.L., Rodriguez San Pedro 2, 28015 Madrid, Madrid, Spain; C.I.F. B82201039 (Spain) [SDNT].
67. CRASESORIAS E.U., Avenida 11 Norte No. 7N–201, Cali, Colombia; NIT #805016474–8 (Colombia) [SDNT].
68. CREDIREBAJA S.A, Calle 16 No. 100–88, Cali, Colombia; Calle 19 No. 2–29 of. 3001, Cali, Colombia; NIT #805001030–6 (Colombia) [SDNT].
69. D'CACHE S.A., Calle 25N No. 3AN–39, Cali, Colombia; NIT #800149284–8 (Colombia) [SDNT].
70. DECAFARMA S.A., Transversal 29 No. 39–92, Bogota, Colombia; NIT #800241240–7 (Colombia) [SDNT].
71. DEPOSITO POPULAR DE DROGAS S.A., Carrera 6 No. 24–77, Cali, Colombia [SDNT].
72. DERECHO INTEGRAL Y CIA. LTDA., Calle 22N No. 5A–75 piso 5, Cali, Colombia [SDNT].
73. DIRECCION COMERCIAL Y MARKETING CONSULTORIA EMPRESA UNIPERSONAL (a.k.a. DCM. CONSULTORIA E.U.), Calle 12B No. 27–39, Bogota, Colombia; Transversal 4 No. 110A–08, Bogota, Colombia; NIT #800934781–4 (Colombia) [SDNT].
74. DISMERCOOP (a.k.a. COOPERATIVA MULTIACTIVA DE EMPLEADOS DE SUPERMERCADOS Y AFINES; f.k.a. DISTRIBUIDORA MIGIL BOGOTA LTDA.; f.k.a. DISTRIBUIDORA MIGIL CALI S.A.; f.k.a. DISTRIBUIDORA MIGIL LTDA.; f.k.a. GRACADAL S.A.; f.k.a. MIGIL), Calle 5C No. 41–30, Cali, Colombia; Carrera 26 No. 5B–65, Cali, Colombia; Carrera 30 No. 5–12, Cali, Colombia; NIT #805003637–5 (Colombia) [SDNT].
75. DISTRIBUCIONES GLOMIL LTDA. (a.k.a. AUTOSERVICIO CIUDAD JARDIN; a.k.a. AUTOSERVICIO PENON), Carrera 2 Oeste No. 2–54 ap. 201, Cali, Colombia; Carrera 105 No. 15A–53, Cali, Colombia; Avenida Colombia No. 2–45, Cali, Colombia; NIT #805008233–6 (Colombia) [SDNT].

76. DISTRIBUIDORA AGROPECUARIA COLOMBIANA S.A. (a.k.a. DIAGROCOL S.A.), Avenida 3 Bis Norte No. 23C–69, Cali, Colombia; NIT #805011649–7 (Colombia) [SDNT].
77. DISTRIBUIDORA DE DROGAS CONDOR LTDA. (a.k.a. CONDOR), Calle 68 52–05, Bogota, Colombia; Calle 10 No. 32A–64, Bogota, Colombia [SDNT].
78. DISTRIBUIDORA DE DROGAS LA REBAJA S.A. (a.k.a. DISTRIBUIDORA DE DROGAS LA REBAJA PRINCIPAL S.A.; a.k.a. DROGAS LA REBAJA), Carrera 7 13–132 piso 4, Cali, Colombia; Calle 10 No. 4–47 Piso 19, Cali, Colombia; Calle 18 121–130, Cali, Colombia; Calle 14 6–66, Cali, Colombia; Carrera 10 11–71, Cali, Colombia; Carrera 7A 14–25 piso 2, Cali, Colombia; Carrera 99 No. 46 A–10 Blg 6 y 8, Bogota, Colombia [SDNT].
79. DISTRIBUIDORA DE MEDICAMENTOS DISFOGEN LTDA. (a.k.a. DISFOGEN LTDA.), Calle 13 No. 27–39 Int. 4, Bogota, Colombia; Carrera 42C No. 22C–36, Bogota, Colombia; NIT #830116941–6 (Colombia) [SDNT].
80. DISTRIBUIDORA DEL VALLE E.U., Calle, 18 No. 106–98 of. 303, Cali, Colombia; Diag., 23 Tr. 10–99, Cali, Colombia; NIT #805007212–7 (Colombia) [SDNT].
81. DISTRIBUIDORA MIGIL LTDA. (f.k.a. DISTRIBUIDORA MIGIL BOGOTA LTDA.; a.k.a. DISTRIBUIDORA MIGIL CALI S.A.; a.k.a. MIGIL), Calle 5C 41–30, Cali, Colombia; Carrera 30–5–12, Cali, Colombia; Carrera 26 5B–65, Cali, Colombia [SDNT].
82. DISTRIBUIDORA MYRAMIREZ S.A., Calle 33BN No. 2BN–49 apt. 503A, Cali, Colombia; Carrera 69A No. 49A–49, Bogota, Colombia [SDNT].
83. DISTRIBUIDORA SANAR DE COLOMBIA S.A., Calle 18 No. 106–98 of. 206, 207, 302 and 303, Cali, Colombia; Carrera 3 No. 11–32 of. 939, Cali, Colombia; Carrera 13A No. 89–38, of. 713, Bogota, Colombia; NIT #805011728–0 (Colombia) [SDNT].
84. DISTRIEXPORT COMERCIALIZADORA INTERNACIONAL S.A. (a.k.a. DISTRIEXPORT C.I. S.A.; a.k.a. DISTRIEXPORT S.A.), Calle 12B No. 27–39, Bogota, Colombia; Calle 12B No. 27–40, Int. 4 of., Bogota, Colombia; Carrera 12 No. 71–53 of. 502, Bogota, Colombia; Carrera 28 No. 11–65 of. 712, Bogota, Colombia; Carrera 70 No. 54–30, Bogota, Colombia; NIT #830047057–3 (Colombia) [SDNT].
85. DROCARD S.A., Calle 39 Bis A No. 27–16, Bogota, Colombia; Transversal 29 No. 39–92, Bogota, Colombia; NIT #830059716–0 (Colombia) [SDNT].
86. DROGAS LA REBAJA BARRANQUILLA S.A., Local Cerete, Barranquilla, Colombia; Avenida Pedro Heredia, Barranquilla, Colombia; Local de Riohacha, Barranquilla, Colombia [SDNT].
87. DROGAS LA REBAJA BUCARAMANGA S.A., Local No. 2, Cucuta, Colombia; Local No. 1, Bucaramanga, Colombia; Local No. 1, Cucuta, Colombia; Local 201, Valledupar, Colombia; Local No. 6, Cucuta, Colombia; Local No. 7, Cucuta, Colombia; Local No. 9, Cucuta, Colombia [SDNT].
88. DROGAS LA REBAJA CALI S.A., Local Comuneros No. 20, Cali, Colombia; Barrio Siloe, Cali, Colombia; Calle 13 #6–85, Cali, Colombia; Calle 3 #4–02 B/Ventura, Cali, Colombia; Santander de Quilichao, Cali, Colombia; Local del Poblado No. 17, Cali, Colombia [SDNT].
89. DROGAS LA REBAJA NEIVA S.A., Neiva, Colombia [SDNT].
90. DROGAS LA REBAJA PASTO S.A., Calle 18 #26–40, Pasto, Colombia; Local No. 13, Puerto Asis, Colombia; Local No. 6, Pasto, Colombia [SDNT].
91. DROGAS LA REBAJA PEREIRA S.A., Local Dos Quebradas, Pereira, Colombia; Local Cajamarca, Pereira, Colombia; Local la Virginia, Pereira, Colombia; Local Santa Rosa de Cabal, Pereira, Colombia [SDNT].
92. DROMARCA Y CIA. S.C.S., Calle 39 Bis A No. 27–169, Bogota, Colombia; Calle 12B No. 28–58, Bogota, Colombia; NIT #800225556–1 (Colombia) [SDNT].
93. ESPIBENA COMERCIALIZADORA DE MEDICAMENTOS GENERICOS S.A. (a.k.a. ESPIBENA S.A.), Luis Cordero 1154 y Juan Leon Mera, Edificio Gabriela Mistral, Quito, Ecuador; RUC #1791706420001 (Ecuador) [SDNT].
94. EUROMAR CARIBE S.A., Calle 7 No. 6–95, Edificio Marlin, Apto. 4A, Cartagena, Colombia; Carrera 3 No. 8–38, Cartagena, Colombia; NIT #806008708–6 (Colombia) [SDNT].
95. EXPORT CAFE LTDA., Carrera 7 No. 11–22 of. 413, Cali, Colombia [SDNT].
96. FARALLONES STEREO 91.5 FM, Calle 15N No. 6N–34 piso 15, Edificio Alcazar, Cali, Colombia [SDNT].
97. FARFALLA INVESTMENT S.A., Calle Elida Diez. Nuevo Reparto El Carme Edif. Milena No. 1, Panama City, Panama; RUC #1986361395028 (Panama) [SDNT].
98. FARMA 3.000 LIMITADA, Calle 12B No. 27–39 of. 203, Bogota, Colombia; Calle 39 BIS A No. 27–16 and 27–20, Bogota, Colombia; Via Circunvalar, Bodega M–A–3, Barranquilla, Colombia; NIT #802012873–4 (Colombia) [SDNT].
99. FARMA XXI LTDA., Calle 12 No. 5–07 of. 301, Neiva, Huila, Colombia; Calle 39 BIS A No. 27–16 and 27–20, Bogota, Colombia; NIT #813006330–2 (Colombia) [SDNT].
100. FARMACOOP (a.k.a. COOPERATIVA MULTIACTIVA DE COMERCIALIZACION Y SERVICIOS FARMACOOP; f.k.a. LABORATORIOS KRESSFOR DE COLOMBIA S.A.), A.A. 18491, Bogota, Colombia; Calle 17A No. 28A–43, Bogota, Colombia; Calle 16 No. 28A–51, Bogota, Colombia; Calle 16 No. 28A–57, Bogota, Colombia; Calle 17A No. 28–43, Bogota, Colombia; NIT #830010878–3 (Colombia) [SDNT].
101. FARMAHOGAR (a.k.a. DROGUERIA FARMAHOGAR; a.k.a. FARMAHOGAR COPSERVIR 19), Carrera 7 No. 118–38, Bogota, Colombia; Avenida 7 No. 118–46, Bogota, Colombia; NIT #830011670–3 (Colombia) [SDNT].
102. FARMALIDER S.A., Calle 17 Norte No. 3N–16, Cali, Colombia; NIT #805026183–2 (Colombia) [SDNT].
103. FARMEDIS LTDA., Calle 12 No. 5–07 of. 301, Neiva, Colombia; Calle 17A No. 28A–43, Bogota, Colombia; Carrera 42C No. 22C–36, Bogota, Colombia; NIT #813009188–6 (Colombia) [SDNT].
104. FIDUSER LTDA., Calle 12A No. 27–72, Bogota, Colombia; NIT #830013160–8 (Colombia) [SDNT].
105. FLEXOEMPAQUES LTDA. (f.k.a. PLASTICOS CONDOR LTDA.), Carrera 13 No. 16–62, Cali, Colombia; NIT #800044167–2 (Colombia) [SDNT].
106. FOGENSA S.A. (a.k.a. FORMAS GENERICAS FARMACEUTICAS S.A.), Carrera 42C No. 22C–36, Bogota, Colombia; Calle 53 No. 31–52, Bucaramanga, Colombia; Calle 53 No. 31–69, Bucaramanga, Colombia; NIT #804005325–8 (Colombia) [SDNT].
107. FUNDACION VIVIR MEJOR (a.k.a. F.V.M.), Calle 8 No. 22–60, Cali, Colombia; NIT #805002213–1 (Colombia) [SDNT].
108. FUNDASER (a.k.a. FUNDACION DE CALI PARA EL DESARROLLO HUMANO; a.k.a. FUNDACION PARA EL SERVICIO DEL SER INTEGRAL; a.k.a. FUNDECALI), Calle 2 No. 4–14 of. 101, Cali, Colombia; Calle 29 Norte No. 6N–43, Cali, Colombia; NIT #800243417–2 (Colombia) [SDNT].
109. G M C GRUPO MAQUILACION COLOMBIANO, Calle 68B No. 105F–80, Bogota, Colombia; Carrera 66A No. 48–91, Bogota, Colombia; NIT #41322501 (Colombia) [SDNT].
110. GENERAL DE NEGOCIOS Y ADMINISTRACION LTDA. (a.k.a. GENEGA LTDA.), Calle 10 No. 4–47 piso 18, Cali, Colombia; Carrera 3 No. 11–32 of. 939, Cali, Colombia; NIT #805006744–9 (Colombia) [SDNT].
111. GENERAL DE OBRAS Y ALQUILERES S.A. (a.k.a. GOYASA), 9 Calle Juan Ramon Jimenez, Marbella, Malaga 29601, Spain; Urbanizacion Puente Romano Fase II Local 37–38, Marbella, Malaga 29602, Spain; Calle Castillo De Ponferrada 56 Villafranca Del Castillo, Madrid 28692, Spain; Calle Castillo De Ponferrada 54 Villanueva De La Canada, Madrid 28692, Spain; Co. Cruz No. 5, Madrid 28023, Spain; Calle Pere De Lluna 17, Reus, Tarragona 43204, Spain; Calle Coso 98–100, Zaragoza, Zaragoza 50001, Spain; C.I.F. A–81847204 (Spain) [SDNT].
112. GENERICOS ESPECIALES S.A. (a.k.a. GENES S.A.), Carrera 42C No. 22C–36, Bogota, Colombia; NIT #830050661–3 (Colombia) [SDNT].
113. GESTION DE ADMINISTRACIONES SIP S.L., Avenida Miramar No. 17 Portal 2 7 F, Fuengirola, Malaga 29640, Spain; C.I.F. B–92255363 (Spain) [SDNT].
114. GIAMX LTDA., Calle 80 No. 37–30, Bogota, Colombia; NIT #830095943–9 (Colombia) [SDNT].
115. GLAJAN S.A., Transversal 29 No. 39–92, Bogota, Colombia; NIT #830023266–2 (Colombia) [SDNT].
116. HAYDEE DE MUNOZ Y CIA. S. EN C., Avenida 6N No. 23DN–16, Cali, Colombia; Avenida 4N No. 5N–20, Cali, Colombia [SDNT].
117. HIELO CRISTAL Y REFRIGERACION LTDA. (a.k.a. CUATRO FRIO), Carrera

44A No. 9C–85, Bogota, Colombia; Carrera 8 No. 32–16, Cali, Colombia; NIT #890303017–5 (Colombia) [SDNT].

118. HORMAC PLANNING S.L., Calle Marques Del Duero, 76—Plt 3C, San Pedro De Alcantara, Marbella, Malaga 29670, Spain; C.I.F. B–64472756 (Spain) [SDNT].
119. IMPORT MAPRI LTDA., Carrera 7 No. 17–01 of. 603, Bogota, Colombia; Carrera 16 Bis No. 148–37, Bogota, Colombia; NIT #830079014–4 (Colombia) [SDNT].
120. INCOMMERCE S.A., Calle 13 No. 66–14, Cali, Colombia; NIT #805023544–4 (Colombia) [SDNT].
121. INDUSTRIAL DE GESTION DE NEGOCIOS E.U., Calle 5C No. 41–30, Cali, Colombia; NIT #805005946–5 (Colombia) [SDNT].
122. INGENIERIA TECNICA EN COMUNICACIONES LTDA. (a.k.a. INTENCOM), Carrera 4 No. 26–33, Local 102, Cali, Colombia [SDNT].
123. INMOBILIARIA IMTASA LTDA., Calle 10 No. 4–47 piso 18, Cali, Colombia; Carrera 3 No. 11–32 of. 939, Cali, Colombia; NIT #805012623–0 (Colombia) [SDNT].
124. INTERAMERICANA DE CONSTRUCCIONES S.A. (f.k.a. ANDINA DE CONSTRUCCIONES S.A.), Calle 12 Norte No. 9N–56, Cali, Colombia; NIT #800237404–2 (Colombia) [SDNT].
125. INVERSIETE S.A., Carrera 3 No. 11–32 of. 939, Cali, Colombia; NIT #800234909–6 (Colombia) [SDNT].
126. INVERSIONES ARA LTDA., Avenida 4N 6N–67 of. 601, Cali, Colombia; Avenida 6AN 23DN–16 of. 402, Cali, Colombia; Avenida 6AN 18–69 1–128, Cali, Colombia; Club El Remanso, Jamundi, Colombia [SDNT].
127. INVERSIONES CARFENI, S.L., Calle Gran Via 80, Madrid 28013, Spain [SDNT].
128. INVERSIONES CLAUPI S.L., Calle Consuegra 3, 28036 Madrid, Madrid, Spain; C.I.F. B81684421 (Spain) [SDNT].
129. INVERSIONES DOBLE CERO E.U., Transversal 29 No. 39–92, Bogota, Colombia; NIT #830021696–7 (Colombia) [SDNT].
130. INVERSIONES EL PROGRESO S.A. (a.k.a. ''I.P. S.A.''), Carrera 3 No. 8–38 Ofc. 1, Cartagena, Colombia; Carrera 4 No. 8–41, Cartagena, Colombia; Olaya Herrera Carrera 68 No. 32B–45, Cartagena, Colombia; NIT #806006517–7 (Colombia) [SDNT].
131. INVERSIONES ESPANOLAS FEMCAR S.L., Ronda Manuel Granero 69, piso 4–1, 28043 Madrid, Madrid, Spain; C.I.F. B82290727 (Spain) [SDNT].
132. INVERSIONES GEELE LTDA., Calle 17A No. 28A–23, Bogota, Colombia [SDNT].
133. INVERSIONES INMOBILIARIAS VALERIA S.L., Calle Consuegra 3, 28036 Madrid, Madrid, Spain; Calle Zurbano 76, 7, Madrid, Madrid, Spain; C.I.F. B81681454 (Spain) [SDNT].
134. INVERSIONES JAER LTDA., Apartado Aereo 10454, Cali, Colombia; Carrera 7 No. 34–341 Bodega 7, Cali, Colombia; Carrera 1H No. 39–42, Cali, Colombia; Calle 6A Norte No. 2N–36 of. 436, Cali, Colombia; NIT #890332242–1 (Colombia) [SDNT].
135. INVERSIONES KANTON LTDA., Avenida 10A No. 5E–26 La Rivera, Cucuta, Norte de Santander, Colombia; NIT #807000572–9 (Colombia) [SDNT].
136. INVERSIONES LA SEXTA LTDA., Calle 10 No. 4–47 piso 19, Cali, Colombia [SDNT].
137. INVERSIONES LAMARC S.A., Carrera 3 No. 8–38, Cartagena, Colombia; Carrera 4a No. 8–41, Cartagena, Colombia; NIT #900162108–6 (Colombia) [SDNT].
138. INVERSIONES MONDRAGON Y CIA. S.C.S. (f.k.a. MARIELA DE RODRIGUEZ Y CIA. S. EN C.), Calle 12 Norte No. 9N–56/58, Cali, Colombia; NIT #890328152–1 (Colombia) [SDNT].
139. INVERSIONES NUEVO DIA E.U., Calle 86 No. 103C–49, Bogota, Colombia; NIT #830020410–3 (Colombia) [SDNT].
140. INVERSIONES RODRIGUEZ RAMIREZ Y CIA. S.C.S.S., Calle 10 No. 4–47 piso 19, Cali, Colombia [SDNT].
141. INVERSIONES SAMPLA E.U., Calle 86 No. 103C–49, Bogota, Colombia; NIT #830020409–5 (Colombia) [SDNT].
142. INVERSIONES SAN JOSE LTDA., Carrera 7 No. 34–341, Cali, Colombia; Calle 44 No. 1E–135, Cali, Colombia; Calle 44 No. 1E–155, Cali, Colombia; Apartado Aereo 10454, Cali, Colombia; NIT #800079682–5 (Colombia) [SDNT].
143. INVERSIONES Y COMERCIALIZADORA RAMIREZ Y CIA. LTDA., Calle 12N No. 9N–58, Cali, Colombia; Avenida 4 No. 8N–67, Cali, Colombia; NIT #800075600–3 (Colombia) [SDNT].
144. INVERSIONES Y CONSTRUCCIONES ABC S.A. (f.k.a. INVERSIONES CAMINO REAL S.A.), Calle 10 No. 4–47 piso 19, Cali, Colombia; Calle 12 Norte No. 9N–56/58, Cali, Colombia; NIT #890325389–4 (Colombia) [SDNT].
145. INVERSIONES Y DISTRIBUCIONES A M M LTDA., Calle 5 No. 50–103, Cali, Colombia; NIT #800192791–2 (Colombia) [SDNT].
146. JAROMO INVERSIONES S.L., Calle Florencio Castillo 8, portal 7, piso 2–21, 28043 Madrid, Madrid, Spain; C.I.F. B81784548 (Spain) [SDNT].
147. JOMAGA DE COSTA RICA S.A. (a.k.a. INTERFARMA S.A.), 200 Norte y 25 Oeste del Restaurante Tierra Colombiana, San Francisco de Dos Rios, San Jose, Costa Rica; Numero Judicial #3–101–76327 (Costa Rica) [SDNT].
148. JYG ASESORES LTDA., Carrera 32 No. 25–71, Bogota, Colombia; NIT #830120367–3 (Colombia) [SDNT].
149. LABORATORIOS BLAIMAR DE COLOMBIA S.A. (a.k.a. BLAIMAR), Calle 12B 27 39, Bogota, Colombia [SDNT].
150. LABORATORIOS BLANCO PHARMA S.A. (a.k.a. BLANCO PHARMA S.A.), Carrera 99 y 100 No. 46A–10, Bodega 4, Bogota, Colombia [SDNT].
151. LABORATORIOS KRESSFOR DE COLOMBIA S.A. (a.k.a. KRESSFOR), Calle 17A 28 43, Bogota, Colombia; Calle 16 28A 51, Bogota, Colombia; Calle 16 28A 57, Bogota, Colombia; Calle 17 28A–43, Bogota, Colombia [SDNT].
152. LABORATORIOS PROFARMA LTDA., Calle 17 No. 28A–13, Bogota, Colombia; Calle 23 No. 19–75, Bogota, Colombia; Calle 74 No. 15–80 of. 611 Int. 1, Bogota, Colombia; NIT #800217468–8 (Colombia) [SDNT].
153. LABORATORIOS Y COMERCIALIZADORA DE MEDICAMENTOS DROBLAM S.A. (a.k.a. DROBLAM S.A.), Carrera 21 No. 13B–33, Cali, Colombia; NIT #805014078–5 (Colombia) [SDNT].
154. LATINA DE COSMETICOS Y DISTRIBUCIONES S.A., Calle 12B No. 27–39, Bogota, Colombia; Carrera 28 No. 11–65 of. 712, Bogota, Colombia; Carrera 70 No. 54–30, Bogota, Colombia; NIT #830018857–5 (Colombia) [SDNT].
155. LATINOAMERICANA DE FARMACOS S.A. (a.k.a. FARMACIA ALMACEN POPULAR; a.k.a. FARMACIA AMAZONAS; a.k.a. FARMACIA ATENEA; a.k.a. FARMACIA CAROLINA 2; a.k.a. FARMACIA CHACON; a.k.a. FARMACIA DEL PUEBLO; a.k.a. FARMACIA DORAL; a.k.a. FARMACIA ECONOMICA; a.k.a. FARMACIA INMACULADA; a.k.a. FARMACIA JARDIN DEL SUR; a.k.a. FARMACIA JARDIN SUR; a.k.a. FARMACIA LA COLINA; a.k.a. FARMACIA LA ECONOMICA; a.k.a. FARMACIA LA MODERNA; a.k.a. FARMACIA LOS SAUCES; a.k.a. FARMACIA MODERNA; a.k.a. FARMACIA PROBETA; a.k.a. FARMACIA PROVIDA; a.k.a. FARMACIA SAN MIGUEL; a.k.a. FARMACIA SAN VICENTE; a.k.a. LATINFARMACOS S.A.; a.k.a. SUPERFARMACIA), Ambato, Ecuador; Av. 10 de Agosto 2753 y Gral. Vicente Aguirre, Edificio Freile Ardiani, Quito, Ecuador; Av. Amazonas 1134 y General Foch, Quito, Ecuador; Av. Amazonas 244 y Jorge Washington, Quito, Ecuador; Av. Rodrigo de Chavez 387, Quito, Ecuador; Cayambe, Ecuador; Gualberto Perez 633 y Andres Perez, Quito, Ecuador; Michelena y Mariscal Sucre, Quito, Ecuador; Tres de Julio y Cuenca, Santo Domingo, Ecuador; Tulcan, Ecuador; Quito, Ecuador; El Carmen, Ecuador; Santo Domingo Colorados, Ecuador; RUC #1791286812001 (Ecuador) [SDNT].
156. LAUREANO RAMOS GABINETE TECNICO S.L., Calle Inca 5 Portal 1 Bloque IV 2 D, Fuengirola, Malaga 29640, Spain; C.I.F. B–92219831 (Spain) [SDNT].
157. LEMOFAR LTDA. (a.k.a. LMF LTDA.), Calle 39 Bis A No. 27–12, Bogota, Colombia; NIT #830116405–1 (Colombia) [SDNT].
158. LITOPHARMA (a.k.a. COOPERATIVA MULTIACTIVA DEL LITORAL), Calle 72 No. 48–60 Local 1A Centro Ejecutivo Kathand, Barranquilla, Colombia; Calle 72 No. 48–60 Local 1B, Barranquilla, Colombia; Carrera 3 Sur No. 43–62, Barranquilla, Colombia; NIT #802012669–8 (Colombia) [SDNT].
159. M C M Y CIA. LTDA. (a.k.a. ''HAPPY DAYS''), Calle 25 Norte No. 3AN–39, Cali, Colombia; Calle 22 Norte No. 5A–75, Cali, Colombia; NIT #800204288–2 (Colombia) [SDNT].
160. M. RODRIGUEZ O. Y CIA. S. EN C.S.,

Cali, Colombia [SDNT].
161. MACROFARMA S.A., Calle 17 Norte No. 3N–16, Cali, Colombia; NIT #816005709–6 (Colombia) [SDNT].
162. MAGEN LTDA., Calle 23 No. 19–75, Bogota, Colombia; Carrera 7 No. 17–01 of. 602, Bogota, Colombia; NIT #830070365–3 (Colombia) [SDNT].
163. MAPRI DE COLOMBIA LTDA., Calle 12B No. 27–40 Int. 4, Bogota, Colombia; Carrera 129 No. 29–57 Int. 137, Bogota, Colombia; NIT #830103959–1 (Colombia) [SDNT].
164. MARIELA MONDRAGON DE R. Y CIA. S. EN C., Calle 12 Norte No. 9N–56/58, Cali, Colombia; Avenida 4 Norte No. 8N–67, Cali, Colombia; NIT #800122032–1 (Colombia) [SDNT].
165. MARIN ESTRADA Y CIA. S. EN C.S., Carrera 8 No. 32–16, Cali, Colombia; Calle 44 No. 1E–155, Cali, Colombia; Calle 45 No. 1E–86, Cali, Colombia; Apartado Aereo 1175, Cali, Colombia; NIT #800083114–9 (Colombia) [SDNT].
166. MATERIAS PRIMAS Y SUMINISTROS S.A. (a.k.a. MATERIAS PRIMAS Y SUMINISTROS LTDA.; a.k.a. MATSUM S.A.), Calle 12B No. 28–58, Bogota, Colombia; Calle 39 Bis A No. 27–20, Bogota, Colombia; Calle 39 Bis A No. 27–16, Bogota, Colombia; NIT #830031863–3 (Colombia) [SDNT].
167. MAXITIENDAS TODO EN UNO, Avenida Guadalupe con Avenida Simon Bolivar, Cali, Colombia [SDNT].
168. MEDIA MARKETING E.U., Avenida 4N No. 6–67 of. 610, Cali, Colombia; NIT #805019234–0 (Colombia) [SDNT].
169. MEGAPHARMA LTDA. (a.k.a. COMERCOOP; a.k.a. COOPERATIVA HUILENSE DE COMERCIALIZACION COMERCOOP LTDA.; a.k.a. COOPERATIVA MULTIACTIVA DE DISTRIBUCION MEGAPHARMA LTDA.), Calle 15 No. 31–99 Bodega 5 Parque Industrial Acerosa, Yumbo, Colombia; Carrera 26 No. 62–42, Bogota, Colombia; Diag. 57A No. 24–84, Bogota, Colombia; NIT #813002466–7 (Colombia) [SDNT].
170. MEGAPLAST S.A., Calle 0 No. 2–276, Palmira, Valle, Colombia; NIT #815002727–1 (Colombia) [SDNT].
171. MUNOZ Y RODRIGUEZ Y CIA. LTDA., Avenida 6N No. 23DN–26, Cali, Colombia [SDNT].
172. OCCIDENTAL COMUNICACIONES LTDA., Calle 44N No. 2BN–10, Cali, Colombia; Calle 19N No. 2N–29 piso 10 Sur, Cali, Colombia; NIT #800146996–1 (Colombia) [SDNT].
173. PARQUE INDUSTRIAL LAS DELICIAS LTDA., Carrera 7 No. 34–341 L–6, Cali, Colombia; Carrera 7 No. 34–341, Cali, Colombia [SDNT].
174. PATENTES MARCAS Y REGISTROS S.A. (a.k.a. PATMAR S.A.), Transversal 29 No. 39–92, Bogota, Colombia; NIT #830016913–0 (Colombia) [SDNT].
175. PATRIMONIO DE GESTION Y ADMINISTRACION SIP S.L., Avenida Jesus Santos Rein Edificio Ofisol 4 1 A, Fuengirola, Malaga 29640, Spain; C.I.F. B–92255389 (Spain) [SDNT].
176. PENTA PHARMA DE COLOMBIA S.A., Calle 17A No. 28A–43, Bogota, Colombia; Calle 17A No. 28A–23, Bogota, Colombia [SDNT].
177. PENTACOOP LTDA. (f.k.a. PENTA PHARMA DE COLOMBIA S.A.), Calle 17A No. 28A–43, Bogota, Colombia; Calle 17A No. 28A–23, Bogota, Colombia; NIT #830016989–1 (Colombia) [SDNT].
178. PLASTICOS CONDOR LTDA., Carrera 13 No. 16–62, Cali, Colombia [SDNT].
179. POLIEMPAQUES LTDA., Carrera 13A No. 16–49, Cali, Colombia; Carrera 13A No. 16–55, Cali, Colombia; Carrera 13 No. 16–62, Cali, Colombia; NIT #805003763–5 (Colombia) [SDNT].
180. PREFABRICADOS Y AGREGADOS DE COLOMBIA LTDA. (a.k.a. PREFAGRECOL LTDA.), La Cordialidad Transversal 54 No. 31I–150, Cartagena, Colombia; La Carolina Urbanizacion Carrera 86 No. 35–103, Cartagena, Colombia; Mamonal-Gambote Via Aguasprieta, Cartagena, Colombia; NIT #900171299–2 (Colombia) [SDNT].
181. PRODUCCIONES CARNAVAL DEL NORTE Y COMPANIA LIMITADA, Calle 22N No. 5A–75 05, Cali, Colombia; NIT #800250531–3 (Colombia) [SDNT].
182. PRODUCTOS GALO Y CIA. LTDA., Avenida 42 No. 20–47, Bogota, Colombia; Apartado Aereo 58263, Bogota, Colombia; NIT #800102729–0 (Colombia) [SDNT].
183. PROSALUD Y BIENESTAR S.A. (a.k.a. PROSALUD CENTROS MEDICOS Y DROGUERIA), Carrera 2 No. 20–47, Cali, Colombia; Calle 23 No. 28–11, Cali, Colombia; Carrera 2 No. 52–27, Cali, Colombia; Carrera 46 No. 37–03, Cali, Colombia; Calle 22A No. 10–54, Cali, Colombia; Carrera 15 No. 34–102, Cali, Colombia; Calle 44 No. 4N–74, Cali, Colombia; Calle 2 No. 4–70/72, Cali, Colombia; Carrera 7P No. 76–04, Cali, Colombia; Calle 19 No. 6–31, Cali, Colombia; Carrera 94 No. 4–76, Cali, Colombia; Carrera 4N No. 81–04 esq., Cali, Colombia; Calle 71A No. 1D–07, Cali, Colombia; Carrera 29 No. 45–84, Cali, Colombia; NIT #890311169–1 (Colombia) [SDNT].
184. PROSPECTIVA EMPRESA UNIPERSONAL (a.k.a. PROSPECTIVA E.U.), Calle 29 Norte No. 6N–43, Cali, Colombia; Calle 18 No. 106–98, of. 302 and 303, Cali, Colombia; NIT #805006189–0 (Colombia) [SDNT].
185. PROVIDA E.U. (a.k.a. PROVIDA LABORATORIO CLINICO Y PATALOGIA; a.k.a. PROVIDA Y DISENO), Calle 19 No. 6–31, Cali, Colombia; Calle 22A No. 10–54, Cali, Colombia; Calle 23 No. 28–11, Cali, Colombia; Calle 44 No. 4N–74, Cali, Colombia; Calle 71A No. 1D–07, Cali, Colombia; Carrera 15 No. 34–102, Cali, Colombia; Carrera 2 No. 52–27, Cali, Colombia; Carrera 29 No. 45–84, Cali, Colombia; Carrera 44 No. 5B–27, Cali, Colombia; Carrera 46 No. 37–03, Cali, Colombia; Carrera 4N No. 81–04, Cali, Colombia; Carrera 7P No. 76–04, Cali, Colombia; Carrera 94 No. 4–76, Cali, Colombia; Quito, Ecuador; NIT #805016716–5 (Colombia) [SDNT].
186. PROYECTO EMPRESARIAL COSTA ARENA S.L., Urbanizacion Puente Romano Fase II Local Bajo 37–38, Marbella, Malaga 29602, Spain; C.I.F. B–92506872 (Spain) [SDNT].
187. QUANTICA PROJECT S.L., Calle Marques Del Duero, 76—PLT 3C, San Pedro De Alcantara, Marbella, Malaga 29670, Spain; C.I.F. B–64472814 (Spain) [SDNT].
188. RADIO UNIDAS FM S.A., Calle 15N No. 6N–34 piso 15, Edificio Alcazar, Cali, Colombia; Calle 19N No. 2N–29 piso 10 Sur, Cali, Colombia [SDNT].
189. RECITEC LTDA., Calle 16 No. 12–49, Cali, Colombia; NIT #800037780–9 (Colombia) [SDNT].
190. RENTAR INMOBILIARIA S.A., Calle 10 No. 4–47 piso 18, Cali, Colombia; NIT #805012015–2 (Colombia) [SDNT].
191. REPARACIONES Y CONSTRUCCIONES LTDA. (a.k.a. RECONSTRUYE LTDA.), Avenida 6N No. 23DN–16 of. 402, Cali, Colombia; NIT #800053838–4 (Colombia) [SDNT].
192. REPRESENTACIONES Y DISTRIBUCIONES HUERTAS Y ASOCIADOS S.A. (a.k.a. REPRESENTACIONES Y DISTRIBUCIONES HUERTAS Y ASOCIADOS LTDA.; a.k.a. TELEFARMA), Calle 124 No. 6–60, Bogota, Colombia; Avenida 42 No. 20–47, Bogota, Colombia; NIT #860527387–8 (Colombia) [SDNT].
193. REVISTA DEL AMERICA LTDA., Calle 23AN No. 5AN–19, Cali, Colombia [SDNT].
194. RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador; Av. 10 de Agosto y Gral. Vicente Aguirre, Edificio Freile Ardiani Local 101–103, Quito, Ecuador; RUC #1791269969001 (Ecuador) [SDNT].
195. RODRIGUEZ Y TOLBANOS S.A., Plaza de Espana 2, 1–C, Alcala de Henares, Madrid, Spain; Pgno. Ind. Camporrosso, C/Buenos Aires, 1 nave 15, 28806 Alcala de Henares, Madrid, Spain; C.I.F. A82467887 (Spain) [SDNT].
196. SAN VICENTE S.A. (f.k.a. INVERSIONES INVERVALLE S.A.; f.k.a. INVERVALLE S.A.), Avenida 2N No. 7N–55 of. 501, Cali, Colombia; Calle 70N No. 14–31, Cali, Colombia; Avenida 4 Norte No. 17N–43 L.1, Cali, Colombia; NIT #800061212–8 (Colombia) [SDNT].
197. SEGECOL LTDA., Carrera 33 No. 48–95 of. 205, Bucaramanga, Colombia; NIT #804015530–4 (Colombia) [SDNT].
198. SEGUWRA DEL VALLE E.U., Avenida 11N No. 7N–201, Cali, Colombia; NIT #805016035–8 (Colombia) [SDNT].
199. SERVICIOS DE CONTROL INTEGRAL DE OBRAS S.L. (a.k.a. SIP PROJECT MANAGEMENT), Parque Tecnologico Andalucia Centro De Empresas P–7 Avenida Juan Lopez P 17, Campanillas, Malaga 29590, Spain; Calle Marie Curie Edificio I+D 11 No. 4 Planta 1a Oficina D–9 Parque Tecnologico De Andalucia, Campanillas, Malaga 29590, Spain; C.I.F. B–92174689 (Spain) [SDNT].
200. SERVICIOS DE CONTROL INTEGRAL DE OBRAS S.L. SIP SUCURSAL CARTAGENA, Carrera 3 No. 8–38, Cartagena, Colombia; Carrera 4 No. 8–41,

Cartagena, Colombia; NIT #900106267–0 (Colombia) [SDNT].
201. SERVICIOS DE CONTROL INTEGRAL FACILITIES MANAGEMENT S.L., Calle Marie Curie Edificio I+D 11 No. 4 Planta 1a Oficina D–9 Parque Tecnologico De Andalucia, Campanillas, Malaga 29590, Spain; C.I.F. B–92649276 (Spain) [SDNT].
202. SERVICIOS DE LA SABANA E.U. (a.k.a. SERBANA E.U.), Carrera 13A No. 89–38 of. 713, Bogota, Colombia; NIT #830050331–8 (Colombia) [SDNT].
203. SERVICIOS FARMACEUTICOS SERVIFAR S.A. (a.k.a. SERVIFAR S.A.), Carrera 4 No. 31–96, Cali, Colombia; NIT #805003968–8 (Colombia) [SDNT].
204. SERVICIOS FUTURA LIMITADA (a.k.a. SERVIFUTURA LTDA.), Calle 12B No. 27–39, Bogota, Colombia; Carrera 28 No. 11–65 of. 416, Bogota, Colombia; Carrera 28 No. 11–65 of. 712, Bogota, Colombia; Carrera 70 No. 54–30, Bogota, Colombia; NIT #830044689–4 (Colombia) [SDNT].
205. SERVICIOS INMOBILIARIOS LTDA., Avenida 2N No. 7N–55 of. 605, Cali, Colombia; Carrera 65 No. 13–82, Cali, Colombia [SDNT].
206. SERVICIOS LOGISTICOS Y MARKETING LTDA. (a.k.a. S L M K LTDA.), Carrera 28 No. 11–65/67 of. 717 Centro Comercial Ricaurte, Bogota, Colombia; NIT #830044689–4 (Colombia) [SDNT].
207. SERVICIOS MYRAL E.U., Calle 6 Oeste No. 6–38, Cali, Colombia; Calle 29 Norte No. 6N–43, Cali, Colombia; NIT #805022419–7 (Colombia) [SDNT].
208. SERVICIOS SOCIALES LTDA., Barranquilla, Colombia [SDNT].
209. SHARPER S.A., Calle 17A No. 28A–43, Bogota, Colombia; Calle 12B No. 28–58, Bogota, Colombia; Calle 12B No. 28–70, Bogota, Colombia; Calle 16 No. 28A–42, Bogota, Colombia; Calle 16 No. 28A–57, Bogota, Colombia; NIT #830026833–2 (Colombia) [SDNT].
210. SHARVET S.A., Calle 12B No. 28–70, Bogota, Colombia; NIT #830050743–9 (Colombia) [SDNT].
211. SIP CONSULTANCY SERVICES S.L., Calle Marie Curie Edificio I+D 11 No. 4 Planta 1a Oficina D–9 Parque Tecnologico De Andalucia, Campanillas, Malaga 29590, Spain; C.I.F. B–92725514 (Spain) [SDNT].
212. SISTEMAS Y SERVICIOS TECNICOS EMPRESA UNIPERSONAL (a.k.a. SISETEC), Calle 29 Norte No. 6N–43, Cali, Colombia; NIT #805013420–7 (Colombia) [SDNT].
213. SOCIEDAD COMERCIAL Y DEPORTIVA LTDA., Carrera 34 Diag. 29–86 Estadio Pascual Guerrero, Cali, Colombia; Carrera 34 Diag. 29–05, Cali, Colombia; Carrera 34 Diagonal 29 Estadio, Cali, Colombia; NIT #800141329–4 (Colombia) [SDNT].
214. SOLUCIONES COOPERATIVAS, Calle 15 No. 4–43 of. 250, Cali, Colombia; Calle 70 Sur No. 83–88, Bogota, Colombia; Carrera 32 No. 25–71, Bogota, Colombia; NIT #830118975–5 (Colombia) [SDNT].
215. SONAR F.M. E.U. DIETER MURRLE (a.k.a. FIESTA STEREO 91.5 F.M.; a.k.a. PRISMA STEREO 89.5 F.M), Calle 15 Norte No. 6N–34 of. 1003, Cali, Colombia; Calle 43A No. 1–29 Urb. Sta. Maria del Palmar, Palmira, Colombia; NIT #805006273–1 (Colombia) [SDNT].
216. SONAR F.M. S.A. (f.k.a. COLOR STEREO S.A.; f.k.a. COLOR'S S.A.; f.k.a. RADIO UNIDAS FM S.A.), Calle 15 Norte No. 6N–34 piso 15 Edificio Alcazar, Cali, Colombia; Calle 19N No. 2N–29 piso 10 Sur, Cali, Colombia; NIT #800163602–5 (Colombia) [SDNT].
217. SORAYA Y HAYDEE LTDA., Calle 15 Norte No. 6N–34, Piso 15, Cali, Colombia; NIT #805000643–6 (Colombia) [SDNT].
218. SU SERVICIO SOCIEDAD LTDA., Calle 50 No. 41–84, Barranquilla, Colombia; Calle 67 No. 47–03, Cartagena, Colombia; Calle 76 No. 45–19 Local 1B, Barranquilla, Colombia; NIT #802021041–1 (Colombia) [SDNT].
219. SUPERGEN LTDA., Calle 39 BIS A No. 27–16 and 27–20, Bogota, Colombia; Calle 53 No. 35A–13 of. 302, Bucaramanga, Colombia; NIT #804009924–8 (Colombia) [SDNT].
220. SUPERTIENDAS LA REBAJA, Avenida Colombia No. 2–45, Cali, Colombia; Calle 9, No. 26–98, Cali, Colombia [SDNT].
221. TECNICAS CONTABLES Y ADMINISTRATIVAS (a.k.a. TECONTA), Carrera 3 No. 11–32 of. 939, Cali, Colombia; Cedula No. 16242828 (Colombia) [SDNT].
222. TERAPIAS VETERINARIA LIMITADA (a.k.a. TERVET LTDA.), Calle 39 BIS A No. 27–16, Bogota, Colombia; NIT #830068307–1 (Colombia) [SDNT].
223. TOBOGON, Avenida Guadalupe con Avenida Simon Bolivar, Cali, Colombia [SDNT].
224. TRACKING INOVATIONS S.L., Calle Marques Del Duero 76–3C San Pedro De Alcantara, Marbella, Malaga 29670, Spain; C.I.F. B–63971360 (Spain) [SDNT].
225. TRIMARK LTDA., Calle 69 No. 10A–53 of. 505, Bogota, Colombia; Carrera 31 No. 23A–68, Bogota, Colombia; NIT #830117977–5 (Colombia) [SDNT].
226. UNDER PAR REAL ESTATE S.L., Calle Marques Del Duero 76–3C San Pedro De Alcantara, Marbella, Malaga 29670, Spain; C.I.F. B–92678473 (Spain) [SDNT].
227. VALORES CORPORATIVOS ESPANOLES S.L., Calle Consuegra 3, 28036 Madrid, Madrid, Spain; Calle Zurbano 76, 7, Madrid, Madrid, Spain; C.I.F. B81681447 (Spain) [SDNT].
228. VALORES MOBILIARIOS DE OCCIDENTE S.A., Bogota, Colombia; Avenida 6 Norte No. 23DN–16, Cali, Colombia; Avenida Colombia No. 2–45, Cali, Colombia; Carrera 1 No. 2–45, Cali, Colombia; Carrera 100 No. 11–90 of. 602, Cali, Colombia; NIT #800249439–1 (Colombia) [SDNT].
229. VILLARO LTDA., Calle 69 No. 10A–53 of. 502, Bogota, Colombia; NIT #830117443–4 (Colombia) [SDNT].
230. WORLD TRADE LTDA., Carrera 8 No. 16–77, Ibague, Colombia; NIT #809008109–5 (Colombia) [SDNT].

Dated: June 19, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–14839 Filed 6–24–14; 8:45 am]

BILLING CODE 4811–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Establishment of the Airborne Hazards and Open Burn Pit Registry

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) announces the establishment of the Airborne Hazards and Open Burn Pit Registry. The registry is voluntary and open to eligible Veterans and Servicemembers who may have been exposed to airborne hazards by serving as members of the Armed Forces in one or more of the locations in the Southwest Asia theater of operations [as defined in 38 CFR 3.317(e)(2)], on or after August 2, 1990, or on or after September 11, 2001, to include Afghanistan or Djibouti. The registry will support efforts to ascertain and monitor the health effects in eligible Veterans and Servicemembers who were possibly exposed to open burn pits, toxic airborne chemicals and fumes, and other airborne hazards such as particulate matter (PM). Eligible Veterans and Servicemembers do not have to be enrolled for VA health care in order to participate in this registry.

FOR FURTHER INFORMATION CONTACT: Dr. Paul Ciminera, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, telephone (202) 461–1020. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: VA announces the establishment of the Airborne Hazards and Open Burn Pit Registry for eligible individuals who may have been exposed to open burn pits, toxic airborne chemicals and fumes, and other airborne hazards such as PM, while serving as a member of the Armed Forces in one or more of the locations in the Southwest Asia theater of operations [as defined in 38 CFR 3.317(e)(2)], on or after August 2, 1990, or on or after September 11, 2001, to include Afghanistan or Djibouti. VA is mandated by Section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012, Public Law 112–260, to establish and maintain an open burn pit registry for eligible individuals who may have been exposed to toxic airborne chemicals and

fumes caused by open burn pits in Iraq and Afghanistan on or after September 11, 2001. VA has exercised its authority under Section 703(b) of Public Law 102–585 to expand eligibility to Veterans and Servicemembers who served in the Southwest Asia theater of operations on or after August 2, 1990 (e.g., the Persian Gulf War), and Djibouti on or after September 11, 2001. VA chose to expand geographic, temporal (time), and exposure eligibility to ensure individuals with plausible exposures to airborne hazards receive a standardized assessment, enhanced outreach and health risk communication, and an optional in-person clinical evaluation. VA and the Department of Defense (DoD) have agreed that Servicemembers who meet the geographic, temporal (time), and exposure eligibility criteria who may have experienced similar exposures may also participate in the registry.

The inclusion of exposures to environmental hazards other than open burn pits in the registry is supported by findings in the VA-sponsored 2011 Institute of Medicine (IOM) report titled, ''Long-Term Health Consequences of Exposure to Burn Pits in Iraq and Afghanistan.'' The report states that, ''military personnel were exposed to a mixture of combustion products from the burn pit and to other air pollutants from local and regional sources'' (IOM, page 110). Similar mixtures of combustion products are also present in the Southwest Asia theater of operations beyond Iraq to Afghanistan as well as in Djibouti.

Veterans and Servicemembers who deployed in support of the Persian Gulf War (GW) are also eligible to participate in the VA Gulf War Registry. GW Veterans are encouraged to participate in both registries, as the Airborne Hazards and Open Burn Pit Registry includes additional data related to airborne hazards.

The Airborne Hazards and Open Burn Pit Registry was created to help address the concerns of Veterans and Servicemembers who were stationed at or near bases where open air burn pits were used to dispose of waste, including potentially hazardous material. Uncontrolled open burning was a method of waste disposal for military units deployed to Iraq and Afghanistan after September 11, 2001. Independent scientific reviews of the available scientific data indicate other sources of potential airborne hazards may exist. As a result of uncertainty in the location and extent of potentially harmful exposures, VA has expanded eligibility for the registry to ensure that Servicemembers possibly exposed to airborne hazards can be included in the registry. VA and DoD are interested in collecting registry data for Veterans and Servicemembers exposed to airborne hazards in places other than Iraq and Afghanistan for the purpose of gaining a more complete understanding of the short and long-term health effects of being exposed to airborne hazards while deployed. The scientific utility of the registry to ascertain whether any health effects may be associated with specific reported exposures will be predicated on the eligible individuals who choose to participate in the registry. Demographic, genetic, exposure, and health outcome differences between the individuals who choose to participate in the registry and the entire population of Veterans and Servicemembers who deployed may limit the ability of the registry to provide unbiased risk estimates of associations between exposure to airborne hazards and health outcomes. In conjunction with research studies investigating the long-term health effects of exposures to open burning operations and other airborne hazards, the registry may be helpful in developing a standardized post-deployment exposure self-assessment, standardizing the collection of clinical evaluation data, and in generating hypotheses regarding self-reported exposures, self-reported conditions, and clinically determined conditions.

VA recently announced preliminary plans to jointly conduct with DoD a longitudinal cohort study of the potential adverse health effects related to military deployment to Iraq and Afghanistan, to include potential exposure to airborne hazards and burn pits, and to take appropriate actions to promote the effective monitoring and assessment of deployment-related exposures and potential health effects of deployments (78 FR 7860, February 4, 2013). VA indicated that a longitudinal cohort study will likely involve a population-based, cohort study to address the potential long-term health effects of deployment to Iraq and Afghanistan. Exposures of interest include PM from many sources, including burn pit exposure. Unlike the registry, the longitudinal cohort study will require a randomized approach for the selection of study participants; Veterans and Servicemembers cannot ask to participate. By capturing information from these studies and the registry, VA will increase its ability to understand important information about the potential long-term health consequences of airborne hazards and burn pit exposures.

VA, in coordination with DoD, plans to conduct extensive outreach to Veterans and Servicemembers for the purposes of raising awareness about the registry and to provide eligible individuals with information regarding the advantages of participating in the registry and other benefits. Information on how to participate in the registry will be posted on the VA Office of Public Health Web site at *http://www.publichealth.va.gov/*, and will be available through fact sheets and postcards, through Veterans Service Organizations, and through other social media outlets such as Facebook and Twitter in the coming months.

Veterans and Servicemembers who participate in the registry will receive a participation letter following the completion of the self-assessment questionnaire. An electronic copy of the participation letter will be available through the registry Web site, and a copy will be mailed to participants.

After completing the registry self-assessment questionnaire, Veterans and Servicemembers can request an in-person and no-cost medical evaluation for health concerns and conditions that may be related to environmental airborne hazards. The medical examination is voluntary and is not required to be in the registry. Individuals who choose to participate in the registry do not have to be enrolled in VA health care. Veterans enrolled in the VA health care system who want to receive a medical evaluation after they complete the registry self-assessment questionnaire are advised to contact their primary care provider or Patient Aligned Care Team. Veterans not enrolled in the VA health care system who have completed the registry self-assessment questionnaire are advised to contact a VA Environmental Health Coordinator in their area to schedule a VA medical evaluation. A directory of Environmental Health Coordinators is available at the VA Web site: *http://www.publichealth.va.gov/exposures/coordinators.asp.*

Active duty Servicemembers (including activated Reserve and Guard personnel) who would like to receive a medical evaluation after they complete the registry self-assessment questionnaire may contact their local servicing military hospital or clinic medical treatment facility to schedule an appointment for a voluntary medical evaluation. Active duty Servicemembers should state that they are calling for an appointment specifically to address ''health concerns related to the Airborne Hazards and Open Burn Pit Registry exposures.''

Reserve component members (Army, Air National Guard, and Reserve) who based on their active service, meet the

statutory definition of Veteran and the statutory minimum length of active-duty service requirements will be eligible for Veterans Health Administration clinical evaluations in the same manner as other Veterans. Upon request, VA will provide them a voluntary medical evaluation. Please note a medical evaluation is not required to participate in the registry.

Participation in the registry does not constitute a claim for disability compensation through VA. Additionally, it is not necessary to participate in the registry to file a claim for disability compensation.

The registry is not a means to obtain health care. Anyone experiencing any urgent symptoms, such as difficulty breathing or chest pains, should go to the nearest emergency room or call 911.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507) requires that VA consider the impact of paperwork and other information collection burdens imposed on the public. Under 44 U.S.C. 3507(a), an agency may not collect or sponsor the collection of information, nor may it impose an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. See also 5 CFR 1320.8(b)(2)(vi). This notice announces a new information collection. As required by the Paperwork Reduction Act of 1995, VA has submitted this information to OMB for its review. OMB approved this new information collection and assigned OMB control number 2900–0800.

Dated: June 20, 2014.

By Direction of the Secretary.

William F. Russo,

Deputy Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2014–14881 Filed 6–24–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Wednesday,

No. 122 June 25, 2014

Part II

Department of Housing and Urban Development

24 CFR Parts 5, 982, and 983

The Housing and Economic Recovery Act of 2008 (HERA): Changes to the Section 8 Tenant-Based Voucher and Section 8 Project-Based Voucher Programs; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 5, 982, and 983

[Docket No. FR–5242–F–02]

RIN 2577–AC83

The Housing and Economic Recovery Act of 2008 (HERA): Changes to the Section 8 Tenant-Based Voucher and Section 8 Project-Based Voucher Programs

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule.

SUMMARY: HERA, enacted into law on July 30, 2008, made comprehensive and significant reforms to several HUD programs, including HUD's Public Housing, Section 8 Tenant-Based Voucher, and Project-Based Voucher programs. On November 24, 2008, HUD published a notice that provided information about the applicability of certain HERA provisions to these programs. The notice identified: those statutory provisions that are self-executing and required no action on the part of HUD for the program changes made by HERA to be implemented; and those statutory provisions that require new regulations or regulatory changes by HUD for the HERA provisions to be implemented. The notice also offered the opportunity for public comment on the guidance provided. HUD followed the November 2008 notice with a May 15, 2012, rule that proposed to establish, in regulation, the reforms made by HERA solely to the Section 8 Tenant-Based Voucher and Project-Based Voucher programs as discussed in the November 2008 notice, to make other related changes to the regulations, and to further solicit public comment. This final rule conforms the regulations of the Section 8 Tenant-Based Voucher and Project-Based Voucher programs to the statutory program changes made by HERA, makes other related changes to these regulations as discussed in the May 2012 proposed rule, and makes further changes to the two voucher program regulations as a result of issues raised by public comment or as a result of further consideration by HUD of issues pertaining to these programs.

DATES: *Effective Date:* July 25, 2014.

FOR FURTHER INFORMATION CONTACT: For information about HUD's Voucher programs, contact Michael Dennis, Director, Office of Housing Voucher Programs, Office of Public and Indian Housing, Room 4228, telephone number 202–402–3882. The address is the Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410. The listed telephone number is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background—November 2008 Notice and May 2012 Proposed Rule

HERA (Pub. L. 110–289, 122 Stat. 2654, approved July 30, 2008) made several changes to the U.S. Housing Act of 1937 (42 U.S.C. 1437 *et seq.*) (1937 Act) that affect programs administered by HUD's Office of Public and Indian Housing (PIH), including, but not limited to, changes to the definition of income, which also affect the Office of Housing's project-based assistance programs; the public housing agency (PHA) plan; the voucher program; and the capital and operating funds with respect to emergency funds.

November 24, 2008, Notice. HUD published a notice in the **Federal Register** on November 24, 2008, at 73 FR 71037, that provided information about the applicability of the 1937 Act provisions amended by HERA to HUD's Public Housing, Section 8 Tenant-Based Voucher, and Section 8 Project-Based Voucher programs. To assist PHAs and assisted housing providers, the notice identified those provisions that are self-executing and required no action on the part of HUD for the program changes to be implemented, and those provisions that require new regulations or regulatory changes by HUD to be implemented. The notice also solicited public comment.

May 15, 2012, Proposed Rule, Generally. HUD followed the November 24, 2008 notice with a proposed rule published on May 15, 2012, at 77 FR 28742, for the purpose of: (1) Establishing, in regulation, the reforms made by HERA to the Section 8 Tenant-Based Voucher and Section 8 Project-Based Voucher programs as discussed in the November 2008 notice, taking into consideration public comment received on the notice, and (2) making other related regulatory changes. In the May 15, 2012, proposed rule, HUD explained that whether the HERA program changes are self-executing or not self-executing, a rule is necessary to ensure that the codified regulations for the programs revised by HERA reflect the HERA changes. In some cases, the regulatory change is simply a conforming change; that is, the regulatory revisions conform the language of the regulation to the language of the 1937 Act, as amended by HERA. In other cases, however, HUD was required to exercise discretionary authority to determine how the statutory change should be implemented. HUD further explained that with respect to the conforming regulatory changes, a conforming change does not necessarily mean that HUD is adopting in regulation the statutory language verbatim. For purposes of clarity or to give precision to the statutory language or statutory intent, the conforming regulatory change may be worded differently than the statutory language.

May 15, 2012, Proposed Amendments. The following presents a brief summary of the key regulatory revisions proposed by the May 15, 2012 rule. A detailed description of all proposed amendments, including correction or updating of regulatory or statutory citations, specific terminology changes, and redesignation of regulatory sections as a result of the inclusion of new sections, and the reasons for the amendments can be found in the preamble to the proposed rule at 77 FR 28743 to 28748.

Annual Income (24 CFR 5.609(c)(14)). A conforming change was made to 24 CFR 5.609 to include the Veterans Administration (VA) disability benefits with the exclusion from income for deferred Social Security benefits in § 5.609(c)(14).

Rent to Owner: Reasonable Rent (24 CFR 982.507). The procedure for determining the rent reasonableness standard applicable to dwelling units receiving low-income housing tax credits (LIHTC) or assistance under the HOME Investments Partnerships (HOME) program was streamlined by section 2835(a)(2) of HERA, and the proposed rule revised § 982.507(c) to provide the streamlined process, with the exception of HOME-assisted units. As advised in the May 15, 2012, proposed rule, the rent reasonable applicable to HOME-assisted units would be addressed by separate rulemaking for the HOME program and included a placeholder to cross-reference to the HOME program regulations pending this issue being addressed by HOME program rulemaking.

Applicability of the Tenant-Based Voucher Rule (24 CFR 983.2). The proposed rule removed reference to ''cooperative housing'' from § 983.2(b)(3). Section 983.2(b) lists the types of situations to which the tenant-based voucher provisions of 24 CFR part 982 do not apply to the PBV program, and paragraph (b)(3) lists the special housing types to which the part 982

provisions do not apply. The inclusion of ''cooperative housing'' in the list of special housing types to which the part 982 provisions do not apply is incorrect, and HUD proposed to correct this error.

PBV Definitions (24 CFR 983.3). The proposed rule added new definitions, and removed and revised others to reflect HERA's amendment to section 8(o) of the 1937 Act and to remove reference to cooperative housing. In addition, the rule proposed to revise the definition of ''existing housing'' for the purpose of establishing clear and measurable standards in determining whether a proposed project is eligible for selection as existing housing. The proposed revision was intended to address the potential circumvention of rehabilitation program requirements by selecting a project as existing housing when rehabilitation will be performed on the project shortly after execution of the housing assistance payment (HAP) contract.

Description of the PBV Program (24 CFR 983.5). The proposed rule amended § 983.5(c) to provide that although a PHA has the discretion to decide whether to operate a PBV program, the PHA must notify HUD of its intent to project-base its vouchers.

Maximum Amount of PBV Assistance (24 CFR 983.6). The proposed rule amended § 983.6 to require advance notification to HUD of the PHA's intent to project-base its vouchers.

Special Housing Types (24 CFR 983.9). The proposed rule made a conforming amendment to § 983.9 to clarify that cooperative housing is an eligible special housing type under the PBV program.

Project-Based Certificate (PBC) Program (24 CFR 983.10). Section 6904 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Pub. L. 110–28, approved May 7, 2007) provides that a PHA may renew or extend PBC housing assistance payment (HAP) contracts as PBV HAP contracts, under certain conditions. The amendment to § 983.10 implemented this change.

Owner Proposal Selection Procedures (24 CFR 983.51). The proposed rule revised paragraph (a) of § 983.51 to substitute the term ''project'' for ''building'', consistent with the statutory change made by HERA to section 8(o) of the 1937 Act. Additionally, the proposed rule slightly reworded paragraph (b)(2) to further clarify that a PHA may select, without competition, a proposal for housing assisted under a federal, state or local government housing assistance, community development, or supportive services program that required a competition for the selection of proposals; that is, the PHA need not conduct another competition.

Housing Type (24 CFR 983.52). The proposed rule revised § 983.52, which provides standards by which a unit will be considered an existing unit for purposes of the PBV program, to provide that a unit must satisfy Housing Quality Standards (HQS) requirements within 60 days of the date of selection by a PHA. The proposed revision also would limit the total amount of work that must be performed to facilitate compliance with HQS to $1,000 per assisted unit. Additionally, the proposed revision provided that to be considered an existing unit for purposes of the PBV program, the owner must not plan to perform rehabilitation work on the units within one year after HAP contract execution that would cause the units to be in noncompliance with HQS and that would total more than $1,000 per assisted unit.

Prohibition of Assistance for Ineligible Units (24 CFR 983.53). Section 2835(a)(1)(F) of HERA allows PHAs to enter into HAP contracts with respect to units in cooperative housing and in high-rise elevator projects, and provides that such authority may be exercised without review and approval by HUD. The proposed rule revised § 983.53 to remove the requirement of advance HUD approval for HAP contracts with respect to units in high-rise elevators projects and to make cooperative housing an eligible housing type.

Prohibition of Excess Public Assistance (24 CFR 983.55). Section 2835(a)(1)(F) of HERA removes the requirement to conduct a subsidy layering review in the case of a HAP contract for an existing structure or if such a review has been conducted by the applicable state or local agency. The proposed rule, in § 983.55, clarified that the subsidy layering requirements are not applicable to existing housing.

Applicability of 25 Percent Cap on Number of PBV Units (24 CFR 983.56). Prior to amendment by HERA, PBV assistance was limited to 25 percent of the units in a building. Section 2835(a)(1)(A) of HERA amended 8(o)(13)(D)(i) of the 1937 Act to replace the term ''building'' with the term ''project,'' which is defined to mean a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. The proposed rule clarified that the exception to the 25 percent cap on the number of PBV units in a project includes units for elderly families and/or disabled families; that is, a project for elderly families, a project for disabled families, or a project that serves both categories of families.

Environmental Review (24 CFR 983.58). As stated in both the November 2008 notice and the May 2012 proposed rule, HUD noted that any federally required environmental review is ''required by law or regulation,'' and HUD has not identified any federally required environmental reviews that would be eliminated by Section 8(o)(13)(M)(ii) of the 1937 Act, as added by Section 2835(a)(1)(F) of HERA. Accordingly, HUD proposed no changes to § 983.58, except to make a minor change to § 983.58(d) to note that the term ''release of funds'' is defined in § 983.3, which is the definition section,

PHA-Owned Units (24 CFR 983.59). The proposed rule added a new paragraph § 983.59 to provide a clarification of the term of the initial and renewal HAP contract that is consistent with section 8(o)(13)(F) of the 1937 Act, which provides that the PHA and the independent HUD-approved entity must agree on the term of the HAP contract and any HAP contract renewal for PHA-owned units. Additionally, the proposed rule removed the requirement that the independent entity approved by HUD to determine initial contract rents to owner must be based on an appraisal by a licensed, state-certified appraiser.

Housing Quality Standards (24 CFR 983.101). The proposed rule revised § 983.101 to exclude cooperative housing from the list of special housing types that are inapplicable to the PBV program.

Purpose and Content of the Agreement to Enter into a HAP Contract (24 CFR 983.152). The May 15, 2012 rule proposed to clarify § 983.152 by striving to establish a bright-line definition of ''commencement of construction'' to ensure there is no confusion concerning the requirement that a PHA must enter into an agreement with the owner prior to the start of construction or rehabilitation on a project. The clarification provided that construction commences when excavation or site preparation (including clearing of the land) begins for the housing.

When Agreement Is Executed (24 CFR 983.153). The proposed rule clarified when the Agreement, referenced in § 983.153, must be executed.

Purpose of HAP contract (24 CFR 983.202). The proposed rule made explicit the existing practice authorized by § 983.153, which is that a HAP contract covers a single project, with the exception of single-family scattered site projects. If an owner has multiple projects, then each project must be

covered by a separate HAP contract under the proposed clarification.

HAP Contract Information (24 CFR 983.203). The proposed rule revised § 983.203 to substitute the term ''project'' for ''building'', consistent with the statutory change.

Extension of Term of Initial Housing Assistance Payment (HAP) Contract (24 CFR 983.205(a)). The maximum term of the initial HAP contract provided in section 8(o)(13)(F) of the 1937 Act is extended from 10 to 15 years as a result of the amendment to the 1937 Act made by section 2835(a)(1)(B) of HERA, and the proposed rule made a conforming change to 24 CFR 983.205 to reflect the new HAP term.

Extension of Initial Term (24 CFR 983.205). The proposed rule made a conforming change to § 983.205(b) to reflect the new HAP term. Section 8(o)(13)(G) of the 1937 Act, as amended by section 2835(a)(1)(C) of HERA, provides that the maximum term for an extension of the HAP contract is 15 years, at the election of the PHA and owner. The proposed rule provided that a PHA may provide for multiple extensions; however, under no circumstances may extensions exceed 15 years cumulatively.

The proposed rule also made a clarifying change to § 983.205(d) to require HUD approval when an owner seeks to terminate a HAP contract when the rent for any contract unit is adjusted below the initial rent level.

Proposed Statutory Notice Requirements: Contract Termination or Expiration (Adding a New 24 CFR 983.206). The proposed rule added a new § 983.206 to address the notification requirements established by section 8(c)(8)(A) of the 1937 Act, as amended by HERA, that the owner must meet.

HAP Contract Amendments (to Add or Substitute Units) (Redesignated 24 CFR 983.207). Section 983.207 (formerly § 983.206) was revised to substitute the term ''project'' for ''building'', consistent with the statutory change made by HERA.

Owner Certification (Redesignated 24 CFR 983.210). Consistent with the change to § 983.53 (Prohibition of Assistance for Ineligible Units), the May 15, 2012, rule proposed to revise paragraph (i) in § 983.210 (formerly § 983.209) to clarify that the owner's certification does not apply in the case of an assisted family's membership in a cooperative. The proposed rule also added a new paragraph (j) to § 983.210, consistent with the revised definition of ''existing housing'', to reflect what constitutes existing PBV housing.

Removal of Unit from HAP Contract (24 CFR 983.211). The proposed rule added a new section to define when units are to be removed from the HAP contract. The proposed rule inadvertently stated that this new section clarified existing policy, but in fact the new section reflected a proposed change. In addition, the preamble explanation that the change is already referenced in part 983 was also inaccurate. The preamble language should have been included in the preceding section which discussed the owner certification requirements in § 983.210. New § 983.211 addressed removing a unit from the HAP contract. PHAs receive administrative fees based on the number of units under a HAP contract. If the PHA has not paid a housing assistance payment on behalf of a family for 180 days, the family is no longer considered a participant in the program and, as such, the PHA should no longer receive administrative fees for the unit.

How Participants Are Selected (24 CFR 983.251(a) and (d)). In § 983.251(a), the proposed rule clarified the pre-existing policy that restricts owners from leasing to family members or relatives. This section was revised to remove any ambiguity that a PHA may not approve the tenancy of a family if the owner (including a principal or other interested party) of the unit to be leased is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the PHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with a disability. The proposed rule also provided that the owner certification, already required under § 983.209, include language that makes explicit that the unit will not be rented to the enumerated list of relatives.

The Lease: Provisions Governing Term of Lease and Governing Absence from Unit (24 CFR 983.256). The proposed rule revised § 983.256(f) pertaining to the initial term of lease to more fully address the requirements pertaining to the lease, and not simply the initial term. Revised paragraph (f) provides that the lease must allow for automatic renewal after the initial term of the lease. Consequently, the PBV program will provide tenants with long-term leases unless the owner provides a good cause for termination or nonrenewal of the lease.

Owner Termination of Tenancy and Eviction (24 CFR 983.257). The proposed rule revised § 983.257 to substitute the term ''project'' for ''building'', consistent with the statutory change. The proposed rule also removed paragraph (b)(3) from § 983.257, which allows an owner to refuse to renew a lease without good cause upon lease expiration. This change was made for the same reasons the change was made to § 983.256(f), which is to put in place, for the PBV program, a reliable long-term lease for a tenant unless the owner provides good cause for termination of the lease or nonrenewal of the lease.

Continuation of Housing Assistance Payments (24 CFR 983.258). The proposed rule added a new § 983.258 to clarify that housing assistance payments continue until the tenant rent equals the rent to owner. After 180 days of no subsidy payments being made on behalf of the family, the unit is to be removed from the HAP contract pursuant to § 983.211.

Overcrowded, Under-Occupied, and Accessible Units (Redesignated 24 CFR 983.260). The proposed rule revised § 983.260 (formerly § 983.259) to include the term ''project'' in paragraph (b)(2)(i) of this section. The proposed rule also revised § 983.260 to clarify, in paragraph (c), that if a PHA offers the family tenant-based rental assistance, a PHA must terminate the HAP contract for a wrong-sized or accessible unit, the earlier of the expiration of the term of the family's voucher (including any extension granted by the PHA) or the date upon which the family vacates the unit.

When Occupancy May Exceed 25 Percent Cap on the Number of PBV Units in Each Project (Redesignated 24 CFR 983.262). The proposed rule revised § 983.262(d) (formerly § 983.261) to substitute the term ''project'' for ''building'', consistent with the HERA change in terminology, and to correct an incorrect regulatory reference. Section 983.262(b) was also revised to clarify existing policy that a PHA, in referring families to excepted units, need not choose between elderly or disabled families, but may refer both.

Determination of Rent to Owner (24 CFR 983.301). Section 2835(a)(1)(D) of HERA amended section 8(o)(13)(H) of the 1937 Act to permit a PHA to use the higher section 8 rent for certain tax credit units if the LIHTC rent is less than the amount that would be permitted under section 8. The amendment made by the proposed rule to § 983.301(d) reflects the discretion granted to PHAs.

Redetermination of Rent to Owner (24 CFR 983.302). The proposed rule added a new paragraph (2) to § 983.302(c) to provide that rent paid to the owner shall not be reduced below the initial rent to owner for dwelling units under the initial HAP, except in the following

situations: (1) To correct errors in calculations in accordance with HUD requirements; (2) if additional housing assistance has been combined with PBV assistance after execution of the initial HAP contract and a rent decrease is required pursuant to a subsidy layering review; or (3) if a decrease in rent to owner is required based on changes in the allocation of responsibility for utilities between the owner and the tenant.

Reasonable Rent (24 CFR 983.303). The proposed rule revised § 983.303(a) to include the exception to the comparability requirement of rent reasonableness, provided by the amendment to section 8(o)(13)(I)(i) made by HERA. This revision provides that the rent to owner for a contract may not exceed the reasonable rent as determined by the PHA, except that the rent to owner shall not be reduced below the initial rent in accordance with § 983.302(c)(2).

Other Subsidy: Effect on Rent to Owner (24 CFR 983.304). The proposed rule revised § 983.304(e) to clarify that rent reduction is mandatory when the results of a subsidy layering review disclose the need for rent reduction.

II. Changes Made at the Final Rule Stage

In response to public comment and further consideration of certain issues by HUD, this final rule makes the following revisions to the proposed rule. With respect to changes made in response to public comment, the issues raised by the commenter and HUD's basis for responding to the comments are addressed in Section III of this preamble.

Rent to Owner: Reasonable Rent (24 CFR 982.507)—Preamble Clarification. As noted in Section I of this preamble, at the proposed rule stage, the procedure for determining the rent reasonableness standard applicable to dwelling units receiving low-income housing tax credits (LIHTC) was streamlined by section 2835(a)(2) of HERA. In the preamble to the proposed rule, at 77 FR 28743, HUD noted that HERA makes several changes to coordinate tax incentives for private housing and federal housing programs, including the Section 8 voucher program. In this preamble to the final rule, HUD clarifies that this provision is applicable only to the Section 8 tenant-based voucher program and not to the Section 8 project-based voucher program.

Additionally, at 77 FR 28743, HUD stated that the rent is to be considered reasonable if the rent does not exceed the greater of: (1) The rent for other LIHTC- or HOME-assisted units in the project not occupied by families with tenant-based assistance, and (2) the payment standard established by a PHA for a unit of the size involved. However, the more accurate way for HUD to have stated this provision is as follows: ''Rent reasonableness is not required if the voucher rent does not exceed the rent for other LIHTC- or HOME-assisted units in the project not occupied by families with tenant-based assistance.'' The regulatory text for § 982.507 was stated correctly in the proposed rule and no change is required at this final rule stage.

As advised in the May 15, 2012, proposed rule, the revision to the HOME program is being made by separate rulemaking. Although a final rule making several regulatory amendments to the HOME program was published on July 24, 2013, that rule did not address this issue. Therefore, this final rule will continue to include, as a placeholder, a cross-reference to the HOME program regulations pending this issue being addressed by HOME program rulemaking.

PBV Definitions (24 CFR 983.3)—Withdrawn Proposed Revised Definition of ''Existing Housing'' but Added Revised Definition of ''Special Housing Type''. At this final rule stage, HUD determined to withdraw its proposed changes to the definition of ''existing housing.'' HUD leaves in place the currently codified definition of existing housing. Overall, commenters did not favor HUD's proposed changes, and suggested alternatives to HUD's proposal, which are described in Section III of this preamble. Given the many comments on HUD's proposed changes to the definition of ''existing housing'', HUD has decided to further consider proposed revisions to the definition of ''existing housing.'' HUD will further consider what may be the best metric for determining compliance with HQS; that is, whether HUD should measure the amount of time that must pass from the date of selection to date of compliance, or identify an appropriate dollar standard of the total amount of work that must be performed, or determine some other mechanism. HUD will resubmit for public comment any proposed changes to the definition of ''existing housing.''

At this final rule stage, HUD is adopting the proposed revised definition of ''special housing type'' but with one additional change. HUD has revised the definition of ''special housing type'' to remove reference to cooperative housing.

Cross-reference to other Federal requirements (24 CFR 983.4) Revision to ''Labor standards'' cross-reference. In this final rule, HUD updates the reference to labor standards provisions applicable to assistance under the PBV program to remove the reference to labor standards ''applicable to an Agreement'' covering nine or more assisted units and substitutes a reference to labor standards ''applicable to development (including rehabilitation) of a project comprising'' nine or more units. This language clarifies that Davis-Bacon requirements may apply to existing housing (which is not subject to the agreement) when the nature of any work planned to be performed prior to HAP contract execution or after HAP contract execution, within such post-execution period as may be specified by HUD, constitutes development of the project.

Description of the PBV Program (24 CFR 983.5) and Maximum Amount of PBV Assistance (24 CFR 983.6)—Clarification of Timing of Notification Requirements. As noted in Section I of the preamble, the proposed rule amended § 983.5(c) and § 983.6 to provide that a PHA must notify HUD of its intent to project-base its vouchers.

This final rule clarifies in § 983.6 that the notification provided by a PHA to HUD of the PHA's intent to project-base its vouchers must be provided before issuance of a Request for Proposals or a selection made pursuant to § 983.51(b)(2). This clarification is also made in § 983.5(c) by cross-reference to § 983.6(d).

Special Housing Types (24 CFR 983.9). As noted in section I the proposed rule made a conforming amendment to § 983.9 to clarify that cooperative housing is an eligible special housing type under the PBV program. This final rule clarifies the requirements for rental assistance when families lease cooperative housing from cooperative members in § 983.9(c)(3).

Owner Proposal Selection Procedures (24 CFR 983.51). In addition to the changes noted in Section I from the proposed rule, HUD is adopting a new paragraph (g) to clarify that an owner proposal selection does not require submission of a Form HUD–2530 or HUD previous participation clearance. Questions are raised from time to time as to the applicability of the previous participation review and clearance procedures and requirements that are codified in 24 CFR part 200, subpart H, to the PBV program. Section 200.213 of these regulations, entitled ''Applicability of procedure'' correctly lists the HUD programs to which the previous participation requirements apply. The PBV program is not listed as one of the programs governed by these procedures, and nor have the

regulations in 24 CFR part 983 ever cross-referenced to the requirements in 24 CFR part 200, subpart H, to confirm the applicability of these requirements and procedures.

Housing Type (24 CFR 983.52)—Withdrawn—Proposed Revised Definition of ''Existing Housing''. For the same reasons that HUD is withdrawing its originally proposed definition of ''existing housing'' in § 983.3, HUD similarly does not adopt the originally proposed definition of ''existing housing'' in § 983.52. However, in § 983.52, HUD clarifies that units for which rehabilitation or new construction commenced after the owner's proposal submission but prior to execution of the AHAP do not qualify as existing housing. Changes to the definition of ''existing housing'' will be addressed through the **Federal Register** notice described under the above discussion of § 983.3.

Prohibition of Assistance for Ineligible Units (24 CFR 983.53)—Addition of Prohibition on Assistance for Units for which Construction or Rehabilitation Commenced Prior to AHAP. As noted in Section I of this preamble, HERA allows PHAs to enter into HAP contracts with respect to units in cooperative housing and in high-rise elevator projects, and provides that such authority may be exercised without review and approval by HUD. Accordingly, the proposed rule revised § 983.53 to remove the requirement of advance HUD approval for HAP contracts with respect to units in high-rise elevators projects and to make cooperative housing an eligible housing type.

This final rule adds a new paragraph (d) to § 983.53 to clarify that a PHA may not attach or pay PBV assistance for units for which construction or rehabilitation has commenced, as defined in § 983.152 (discussed below), prior to execution of the AHAP.

Prohibition of Excess Public Assistance (24 CFR 983.55)—Further Clarification of When Subsidy Layering is Not Required. As noted in Section I of the preamble, the proposed rule clarified that the subsidy layering requirements are not applicable to existing housing. The final rule revises § 983.55 to add language that further clarifies that a ''further subsidy layering review is not required for housing selected as new construction or rehabilitation of housing, if HUD's designee has conducted a review, which included a review of PBV assistance, in accordance with HUD's PBV subsidy layering review guidelines.''

Applicability of 25 Percent Cap on Number of PBV Units (24 CFR 983.56)—Removal of Substitution of ''Project'' for ''Building'' in § 983.56(b)(1)(i). As noted in Section I of the preamble, HERA amended 8(o)(13)(D)(i) of the 1937 Act to replace the term ''building'' with the term ''project,'' which is defined to mean a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. The proposed rule clarified that the exception to the 25 percent cap on the number of PBV units in a project includes units for elderly families and/or disabled families; that is, a project for elderly families, a project for disabled families, or a project that serves both categories of families. In response to public comment, HUD agreed with commenters that the terminology for paragraph (b)(1)(i), which addresses when PBV units are not counted in the exception to the 25 percent building cap, was ambiguous. In the final rule, HUD retains the term ''building'' when used in paragraph (b)(1)(i) to refer to a single-family building.

Purpose and Content of the Agreement to enter into HAP Contract (24 CFR 983.152)—Clarification of Prohibition on Execution of Agreement when Construction or Rehabilitation Has Commenced. As noted in Section I of the preamble, the proposed rule clarifies when the Agreement must be executed and defines the start of construction or rehabilitation. The final rule adds a cross-reference to § 983.153 and states that the prohibition on construction or rehabilitation applies after proposal submission.

When Agreement Is Executed (24 CFR 983.153)—Clarification of Prohibition on Execution of Agreement when Construction or Rehabilitation Has Commenced. As noted in Section I of the preamble, the proposed rule clarified when the Agreement, referenced in § 983.153, must be executed. The final rule further clarifies that a PHA is prohibited from entering an Agreement when after proposal submission construction or rehabilitation has started prior to the execution of the Agreement.

Extension of Initial Term (24 CFR 983.205)—Clarification of Additional Extensions beyond Initial Extension of Term. As noted in Section I of this preamble, the proposed rule made a conforming change to § 983.205(b) to reflect the new HAP term. Section 8(o)(13)(G) of the 1937 Act, as amended by HERA, provides that the maximum term for an extension of the HAP contract is 15 years, at the election of the PHA and owner. The proposed rule provided that a PHA may provide for multiple extensions; however, under no circumstances may extensions exceed 15 years cumulatively.

In response to public comment, the final rule revises this section to clarify that future extensions beyond the initial extension are allowed at the end of any extension term provided that not more than 24 months prior to the expiration of the previous extension contract, the PHA agrees to extend the term, and that such extension is appropriate to continue providing affordable housing for low-income families or to expand housing opportunities. The final rule amendment further provides that extensions after the initial extension term shall not begin prior to the expiration date of the previous extension term.

In response to public comment, the final rule also amends § 983.205(d) to remove the requirement of notice to and advance approval by HUD when owners decides to terminate the HAP contract, and maintains the existing requirement that owners provide notice to the PHA.

HAP Contract Amendments (to Add or Substitute Units) (Redesignated 24 CFR 983.207)—Addition of Language to Specify How to Add Contract Units. As noted in Section I of the preamble, the proposed rule revised § 983.207 (formerly § 983.206) to substitute the term ''project'' for ''building'', consistent with the statutory change made by HERA. In response to public comment, the final rule revises paragraph (b) to clarify how PBV contract units may be added in the same project. The revision provides that, at the discretion of the PHA, and provided that the total number of units in a project that will receive PBV assistance will not exceed 25 percent of the total number of dwelling units in the project (assisted and unassisted), (unless units were initially identified in the HAP contract as excepted from the 25 percent limitation in accordance with § 983.56(b)), or the 20 percent of authorized budget authority as provided in § 983.6, a HAP contract may be amended during the three-year period immediately following the execution date of the HAP contract to add additional PBV contract units in the same project.

Owner Certification (Redesignated 24 CFR 983.210)—Proposed Revision for Existing Housing Withdrawn. Although, at this final rule stage, HUD is withdrawing its proposed definition of ''existing housing'' in §§ 983.3 and 983.52, HUD retains proposed new paragraph (j), with certain revisions. As noted above in the discussion of § 983.4, HUD revises the reference to labor standards provisions applicable to assistance under the PBV program to clarify that Davis-Bacon requirements may apply to existing housing when the

nature of any work (including rehabilitation) planned to be performed prior to HAP contract execution or after HAP contract execution, within such post-execution period as may be specified by HUD, constitutes development of the project. Paragraph (j) of the final rule reflects that in such case, it will be necessary for the certification to encompass compliance with Davis-Bacon wage requirements.

Removal of Unit from HAP Contract (24 CFR 983.211). As noted in Section I of the preamble, the proposed rule added a new section to define when units are to be removed from the HAP contract. Section 983.211(a) requires that units with families whose income has increased during their tenancy to an amount equivalent to the rent provider to the owner, shall be removed from the HAP Contract. If the project is partially assisted, the PHA may substitute a different unit for the unit removed from the Contract if it is possible for the HAP contract to be amended. In response to public comment, HUD at the final rule stage is providing that if the project is not partially assisted, the unit removed from the HAP contract can be re-instated when the ineligible family vacates. In addition, HUD is clarifying that the PHA may substitute a different unit for the unit removed from the contract when the first eligible substitute becomes available even if at the time a unit is removed another unit is not immediately available to substitute under the HAP contract.

How Participants Are Selected (983.251(d))—Clarification of Preferences for Services Offered. In § 983.251(d), the proposed rule substituted the word ''qualify'' for ''need'' and added ''or in conjunction with specific units.'' The language submitted at the proposed rule stage stated that a preference could be provided for disabled families who ''qualify for services at a particular project or in conjunction with specific units.'' The substitution was proposed on the basis that ''qualify'' may better convey the intent of this section. However, at the final rule stage and following further consideration of ''qualify'' versus ''need'', HUD is returning to the original language of ''need services'' out of concern that ''qualify for'' may be interpreted in such a way to limit the population eligible for the preference. Additionally, HUD is returning to the original language ''services at a particular project'' out of concern that ''or in conjunction with specific units'' may be unclear. Although HUD is retaining the language currently codified in HUD's regulations, HUD will continue to examine the language of this section and how it may be improved, recognizing that neither term —'' need'' or ''qualify''—may provide the clear distinction that PHAs are looking for. The best approach to helping PHAs understand the intent of this section may be for HUD to issue guidance that provides examples of how a preference may be structured.

The Lease: Provisions Governing Term of Lease and Governing Absence from Unit (24 CFR 983.256)—Clarification of Owner Termination of Lease for Good Cause. As noted in Section I of the preamble, the proposed rule revised § 983.256(f) pertaining to the initial term of lease to more fully address the requirements pertaining to the lease.

The final rule clarifies that that if the owner terminates the lease, the termination must be for good cause.

Overcrowded, Under-Occupied, and Accessible Units (Redesignated 24 CFR 983.260). The proposed rule revised § 983.260 (formerly § 983.259) to include the term ''project'' in paragraph (b)(2)(i) of this section. The proposed rule also revised § 983.260 to clarify, in paragraph (c), that, if a PHA offers the family tenant-based rental assistance under the PBV program, a PHA must terminate the HAP contract for a wrong-sized or accessible unit, the earlier of the expiration of the term of the family's voucher (including any extension granted by the PHA) or the date upon which the family vacates the unit.

The final rule further clarifies PHA termination of housing assistance payments for wrong-sized or accessible unit by revising paragraph (c) in two respects. Paragraph (c)(1) provides that if the PHA offers the family the opportunity to receive tenant-based rental assistance under the voucher program, the PHA must terminate the housing assistance payments for a wrong-sized or accessible unit at the earlier of the expiration of the term of the family's voucher (including any extension granted by the PHA) or the date upon which the family vacates the unit, and, as clarified in this final rule, if the family does not move out of the wrong-sized unit or accessible unit by the expiration date of the term of the family's voucher, the PHA must remove the unit from the HAP contract.

Paragraph (c)(2) provides that if the PHA offers the family the opportunity for another form of continued housing assistance in accordance with paragraph (b)(2) of § 983.260 (not in the tenant-based voucher program), and the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by the PHA, or both, the PHA must terminate the housing assistance payments for the wrong-sized or accessible unit, at the expiration of a reasonable period as determined by the PHA, and, as clarified by this final rule, remove the unit from the HAP contract.

When Occupancy May Exceed 25 Percent Cap on the Number of PBV Units in Each Project (Redesignated 24 CFR 983.262)—Providing PHAs with the Option to Continue to Count an Excepted Unit Based on Elderly or Disabled Family Status, without an Elderly or Disabled Member under Certain Conditions. As noted in Section I of this preamble, the proposed rule revised § 983.262 (formerly § 983.261) to substitute the term ''project'' for ''building'', and to clarify in § 983.262(b) that a PHA, in giving a preference to excepted units, need not choose between the elderly or disabled families, but may give a preference to both.

This final rule also makes a change to respond to existing concerns with respect to excepted units based on elderly or disabled family status and the loss of occupancy of the unit by the elderly or disabled family member through death, illness, or other circumstances beyond the family's control. Under current requirements, the family must vacate the unit and the PHA must cease paying housing assistance payments on behalf of the family because they no longer qualify for the excepted unit. The result of such requirements is often displacement of the family during a time when the family is dealing with hardship due to the loss, permanent or temporary of the elderly or disabled family member. The final rule adds a new paragraph (e) to § 983.262 to give PHAs the discretion to allow the family to continue to reside in the excepted unit, and to continue to count the unit as an excepted unit for as long as the family resides in that unit. Once the family vacates the unit, then in order to continue as an excepted unit under the HAP contract, the unit must be made available to and occupied by a qualifying family member.

Determination of Rent to Owner (24 CFR 983.301)—Clarification that the PHA Has the Discretion to Elect in the HAP Contract that Rent to Owner Shall Not be Reduced. As noted in Section I of this preamble, HERA amended section 8(o)(13)(H) of the 1937 Act to permit a PHA to use the higher section 8 rent for certain tax credit units if the LIHTC rent is less than the amount that would be permitted under section 8. The preamble to the proposed rule noted that HERA did not alter the rent reasonableness requirements of section 8(o)(10)(A), and that therefore these requirements must continue to be met. The proposed rule revised § 983.301(e)

to provide that that the rent to owner shall not be reduced below the initial rent, with certain limitations, in accordance with § 983.302(c)(2).

The final rule revises paragraph (e) to clarify that the PHA has the discretion to elect in the HAP contract that the rent to owner shall not be reduced below the initial rent subject to the limitations of § 983.302(c)(2). Accordingly, in this final rule, paragraph (e) provides that the PHA shall determine the reasonable rent in accordance with § 983.303. The rent to the owner for each contract unit may at no time exceed the reasonable rent, except in cases where the PHA has elected within the HAP contract not to reduce rents below the initial rent to owner and where, upon redetermination of the rent to owner, the reasonable rent would result in a rent below the initial rent. If the PHA has not elected within the HAP contract to establish the initial rent to owner as the rent floor, the rent to owner shall not at any time exceed the reasonable rent.

Redetermination of Rent to Owner (24 CFR 983.302)—Further Clarification of When Rent to Owner Shall Not Be Reduced. As noted in Section I of this preamble, the proposed rule added a new paragraph (2) to § 983.302(c) to provide that rent paid to the owner shall not be reduced below the initial rent to owner for dwelling units under the initial HAP, except under certain circumstances. The final rule revises paragraph (c)(2) of § 983.302 to clarify that ''if the PHA elected within the HAP contract to not reduce rents below the initial rent to owner,'' then the rent to owner shall not be reduced below the initial rent to owner for dwelling units under the initial HAP contract except for the ''exception'' circumstances provided in the regulation.

Reasonable Rent (24 CFR 983.303). As noted in Section I of this preamble, the proposed rule revised § 983.303(a) to include the exception to the comparability requirement of rent reasonableness, provided by the amendment to section 8(o)(13)(I)(i) made by HERA. This revision provides that the rent to owner for a contract may not exceed the reasonable rent as determined by the PHA, except that the rent to owner shall not be reduced below the initial rent in accordance with § 983.302(c)(2).

This final rule further clarifies the comparability requirement of § 983.303(a). Section 983.303(a) is revised to provide that at all times during the term of the HAP contract, the rent to the owner for a contract unit may not exceed the reasonable rent as determined by the PHA, except, as provided in this final rule, where the PHA has elected in the HAP contract to not reduce rents below the initial rent under the initial HAP contract, the rent to owner shall not be reduced below the initial rent in accordance with § 983.302(e)(2).

III. Discussion of Public Comments and HUD's Responses

The public comment period on the proposed rule closed on July 16, 2012, and 22 public comments were received in response to HUD's May 15, 2012 proposed rule. Comments were submitted by individual members of the public, Fair Housing interest groups, housing associations, and public housing authorities. The following presents the significant issues and questions related to the proposed rule raised by the commenters.

A few commenters submitted comments generally about their views of the rule. These comments, for which no response is required, included such comments as the following.

A commenter stated that HUD must ''broaden its thinking with regard to administration of the project-based voucher program to recognize the important preservation tool that project-based vouchers are and will continue to be (particularly in light of the new Rental Assistance Demonstration (RAD) program). The commenter stated that, in reading the proposed changes, it was struck by a tension between expanding program use and flexibility with a desire to keep the program the small boutique program that it started out to be. The commenter stated that the tension is understandable in that the project-based voucher program was originally intended to be a very small (and voluntary) program to address tight rental market, but as Congress cuts back on funding for federal housing programs, the ability to preserve the existing housing stock has become more critical and Congress has recognized that it must use its scarce resources to the best outcome (in this case the preservation of a scarce supply of affordable rental housing). Other commenters stated that ''the PBV program is an essential component of state and local supportive housing strategies to reduce reliance on restrictive settings which violate the Americans with Disabilities Act, such as state institutions, board and care homes, adult care homes, and nursing homes.'' Another commenter recommended that HUD revise the program further to allow greater flexibility to support PBV assistance. The commenter stated that ''HUD should lobby to increase the percentage of budget authority for PBV units when the PHA is utilizing PBVs as replacement housing for public housing.''

The following presents specific issues raised by commenter and HUD's response to the comments.

Issue: Rent to Owner: Reasonable Rent (§ 982.507)

Comment: Commenters stated that HUD's proposed language at § 982.507, regarding the rent reasonableness test, is contrary to statutory intent by limiting the rent to the lesser of the reasonable rent and the payment standard. The commenters repeated the statutory language that states ''the rent shall be considered reasonable if it does not exceed the greater of (1) the rent for other LIHTC or HOME assisted units in the project not occupied by families with tenant based assistance, or (2) the payment standard established by the PHA for a unit of the size involved.'' The commenters recommend that HUD re-evaluate the proposed language. A commenter stated that Congress also has provided that the rent is *not* reasonable if it exceeds both the rents charged for comparable units receiving tax credits that are not occupied by voucher holders and the PHA payment standard for the unit. The commenter stated that, in other words, if the tax credit rent is $600 and the payment standard is $650, a PHA can approve a voucher rent at $650, subject to a rent reasonableness test. Using this example, HUD could not approve a rent of $675 because it is greater than the payment standard and the tax credit rent.

HUD Response: HUD disagrees with the first commenter's interpretation of the statute. The first subsection in the HERA amendment plainly states that a rent comparability analysis is not required by the PHA if the rent to owner does not exceed the rent for other comparable, non-voucher LIHTC units in the project. However, the second subsection of the HERA amendment is properly read as stating that if the proposed rent to owner will exceed the amount in the preceding paragraph, the amendment does not create an exception to the normal rent comparability requirement in section 8(o)(10)(A) of the U.S. Housing Act of 1937. In addition, the HERA amendment imposes an additional rent cap based on the payment standard in these cases. Therefore, if the rent requested by the owner exceeds the LIHTC rents for non-voucher families, the PHA must perform a rent comparability analysis in accordance with program requirements. In addition, the PHA must cap the rent at the payment standard. The rent to owner in these cases is therefore set at the lesser

of the comparable market rent determined by the PHA and the payment standard.

HUD generally agrees with the commenter that used dollar amounts to illustrate the test that must be performed when the rent requested by the owner is greater than the rents charged for other comparable LIHTC units in the project that are not occupied by voucher families. However, the commenter excluded the possible impact of the required rent comparability analysis performed by the PHA. For instance, if the PHA's comparability analysis determined that the reasonable rent was $625 that would be the rent to owner, notwithstanding the fact that the payment standard was $650.

Comment: Commenters stated that the statute does not require PHAs ''to conduct a rent reasonableness test if the requested voucher rent is at or below the tax credit rent for units not occupied by a voucher holder.'' A commenter gives an example, stating that ''if the tax credit rent paid by unassisted tenants is $600 and the rent for the voucher unit is $550, the PHA would not be required to compare the unit rent to unassisted units in the private market — the rent would be deemed reasonable.

HUD Response: Rent reasonableness is required to be determined as otherwise provided by paragraph 8(o)(10) of the 1937 Act except that rent reasonableness shall not be required if the voucher rent is equal to or lesser than other comparable LIHTC units occupied by non-voucher families. The statute does not state that such rents shall be ''deemed reasonable'' as suggested by commenters. Therefore, HUD submits that the statutory language is permissive, and that while HUD may not require a rent comparability determination in the situation described, the statute does not prohibit a PHA from performing such determination if it so chooses.

Comment: Commenters stated that the proposed language could result in reducing rents below existing rents and undercut the statute. The commenters recommended that HUD revise the language ''to follow the 'greater of' statutory language and avoid the unintended penalty for owners requesting legitimate rent increases that threaten no additional harm to assisted tenants.'' Other commenters stated that requiring an owner to reduce rent below existing rents would be contrary to HUD's own intentions.

HUD Response: Commenters appear to believe the statute states that the rent shall be considered reasonable if it does not exceed the greater of (1) the rent for other LIHTC or HOME assisted units in the project not occupied by families with tenant based assistance, *or* (2) the payment standard established by the PHA for a unit of the size involved. The statute actually states that the rent shall not be considered reasonable if it exceeds the greater of (1) the rents charged for other comparable units receiving LIHTC or HOME assistance in the project that are not occupied by families with tenant based assistance, *and* (2) the payment standard established by the PHA for a unit of the size involved. The statutory language imposes a payment standard cap in addition to the required rent reasonableness test both at the time of initial rent setting and when an owner requests a rent increase. As noted previously, if the rent to owner (at initial rent setting or during rent increases) does not exceed the LIHTC rent for comparable, non-voucher units, a PHA rent reasonableness analysis is not required and there is no payment standard limitation.

Comment: A commenter requested that HUD explain why it is adding the additional rent reasonableness requirement and why HERA was able to waive the rent comparison when the rent does not exceed other LIHTC projects but not when the requested rent exceeds other LIHTC rents?

HUD Response: HUD has clarified in the preamble that if the requested rent does not exceed the rent for other LIHTC units in the project not occupied by families with tenant-based assistance, that a rent reasonableness determination is not required. HUD believes that the statute is permissive and that a PHA may perform a rent reasonableness comparison in this instance if it so chooses. The statute states that the requirements of 8(o)(10) of the 1937 Act apply including 8(o)(10)(A), which requires that the rent for dwelling units for which a housing assistance payment contract is established under subsection 8(o) of the statute shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted local market. The HERA amendment does not render the requirement for a rent comparison analysis pursuant to section 8(o)(10)(A) of the 1937 Act inapplicable when the test under section 8(o)(10)(F)(ii) is met. Rent reasonableness requirements pursuant to section (8)(o)(10)(A) continue to apply.

Comment: A commenter recommended that HUD clarify ''that the HERA policy for determination of 'reasonable rents' for LIHTC units with tenant-based vouchers, incorporated in § 982.507(c)(2), does not apply to project-based vouchers.''

HUD Response: HUD agrees with this comment and in this preamble to this final rule HUD has clarified that the regulatory change is only applicable to the tenant-based voucher program.

Comment: A commenter stated that the HUD should leave the existing regulatory language as is because the regulatory language complies with the requirements in HERA and HERA ''does not require PHAs to lower PBV owners' rents if/when applicable FMRs decrease by five percent or more, as has been directed by some HUD Field Offices.'' The commenter stated that the regulation should allow ''PHAs to conduct rent reasonableness if warranted, but *not* for PHAs to necessarily lower the existing PBV rent in these circumstances.'' The commenter stated that ''under the circumstances described above, regarding decreases in FMR values of five percent or more, a PHA receives a property owners' annual rent increase request for a given unit but a PHA's rent reasonableness determination justifies a lower PBV rent, than a PHA can lower the PBV rent to the rent reasonable level but not lower than the initial rent. Some HUD Field Office personnel have misinterpreted and/or misapplied the PBV regulations governing reasonable rents in the PBV program, which is why we believe that clarification of the proper implementation of this regulation is welcomed.''

Another commenter requested that HUD revise § 982.507(c)(2) to clarify that under HERA PHAs are *not* required to conduct a rent reasonableness determination (in accordance with the existing regulations for Section 8 tenant-based and project-based voucher programs) if the initial rent or rent requested at subsequent intervals, is equal to or less than the rent for other comparable units receiving tax credits or assistance in the project for units that are not occupied by Section 8 tenant-based or project-based assisted households. The commenter also requested that HUD clarify that ''there could be a scenario where the initial rent requested or the rent at intervals during subsequent lease terms would be 'rent reasonable' if it is equal to *the greater of* (1) the rent for other comparable units receiving such tax credits or assistance in the project for units that are not occupied by Section 8 tenant-based or project-based assisted households; or (2) a PHA's payment standard for an applicable unit size.''

HUD Response: The HERA change relates to rents for tenant-based voucher holders in projects with LIHTCs or

HOME units. It does not apply to the project-based voucher program. In addition, the existing regulatory text at § 982.507 also does not apply to the project-based voucher program. The commenters' other concerns are addressed in response to other similar comments stated above.

Issue: Revised Definition of ''Existing Housing'' (§§ 983.3, 983.52(a))

As already discussed in this preamble, HUD is not revising the definition of ''existing housing'', but nevertheless wants to share the public comments that HUD received on this issue. Commenters responded to HUD's proposal as follows:

Comment: Several commenters submitted comments on these sections. A commenter recommended that HUD review the impact of the new limitations on existing housing. The commenter stated that while the previous text defined ''existing housing'' as any housing that met HQS upon the proposal selection date, the revised language limits existing housing to units that do not require more than $1,000 in repairs to meet HQS, and requires the owner to certify that planned rehabilitation does not exceed $1,000 in the first year of the HAP contract. Commenters stated that the proposed time limit and the monetary limit of $1,000 for performing compliance work are inappropriate.

A commenter stated that this threshold is very low and ''does not accurately capture the differences between development and acquisition-only transactions.'' Another commenter stated that this threshold may discourage owners from conducting voluntary repairs and replacements to achieve greater accessibility and/or energy efficiency. A commenter questioned what an owner should do if a tenant vacates a unit within one year after a HAP contract is executed?

A commenter stated that ''an owner should have the ability to do more than $1,000 worth of work on the unit'' because to do a simple '' 'unit turnover'—painting, cleaning and perhaps recarpeting—would cost more than $1,000.'' Other commenters expressed concern about the cap when scheduled rehabilitation is required.

A commenter recommended changing the definition to allow PHAs to determine the threshold or in the alternative if HUD determines a threshold is appropriate, a reasonable level based on guidelines and thresholds of other federal funding programs should be considered. ''For example, low-income housing tax credits and the FHA loan programs use higher rehabilitation thresholds of approximately $6,500 per unit.''

Other commenters stated that the new definition is contrary to HUD's new Rental Assistance Demonstration (RAD) program which encourages owners of certain types of assisted multifamily housing with expiring subsidy contracts to convert to PBVs. Commenter stated that many of these projects currently meet HQS but will require additional rehabilitation with tenants in place. Without the flexibility for PHAs to treat these projects as existing housing, as appropriate, many of these proposed preservation transactions will not be feasible.

A commenter stated that the same $1,000 per unit rehab number was used for Section 8 moderate rehabilitation over 8 years ago and HUD has failed to recognize inflation costs. Additionally, the commenter noted that a scheduled rehabilitation that costs more than $1,000 to meet HQS standards is not the same as a gut rehab which would require tenants to be displaced. Another commenter stated that the proposed limit will ''hamper HUD's ability to implement the recent preservation policy to encourage the conversion of Rent Supplement or Rental Assistance Payments to project-based vouchers. If HUD is indeed focused on preservation of the assisted housing stock, its rules must reflect that commitment.''

Commenters stated that this new definition will complicate transactions when eligible residents are already in place and renovations are undertaken or when renovations must be made to new or rehabilitated units that were not originally PBV units. Other commenters stated that the new definition will significantly narrow those units that will qualify as existing housing and negatively impact the preservation of existing housing. A commenter stated that the revised definition is contrary to HERA's goal to reduce regulatory requirements and make it easier to attach PBVs to existing housing.

Commenters stated that ''the procedures for rehabilitated housing will delay the initiation of rental assistance, which will create significant cash shortfalls for many preservation transactions which rely on the PBV income stream from ''Day One'' to support new financing (for rehabilitation and often acquisition, where the property is being transferred). These projects meet HQS on Day One, but may require significant additional rehab (e.g. for energy retrofits and modernization) to satisfy the requirements of lenders and tax credit investors, or to improve long-term sustainability.''

Commenters recommended that HUD maintain the current regulatory definition. A commenter also recommended eliminating the second half of the proposed definition. Other commenters recommended deleting the part of ''the proposed definition that would eliminate the possibility of rehabbing a property in the first year of the HAP contract and by increasing the per-unit rehabilitation dollar amount for units that need immediate repair to pass HQS.'' A commenter recommended the proposed definition be amended to allow PHAs discretion ''to qualify as existing housing any property that meets (or can readily meet) HQS, regardless of the anticipated level of additional future rehabilitation, where such rehabilitation will be carried out with tenants in place and is necessary and appropriate to extend the remaining useful life of the property as affordable housing.'' Another commenter recommended maintaining the current definition because the ''flexibility has been critical to preserving existing units in communities where affordable rental housing is scarce or units are being lost due to gentrification.'' Other commenters recommend that HUD preserve and promote the discretion of local PHA's by keeping the current definition.

Issue: Revising the ''PHA Owned Unit'' Definition (§ 983.3)

Comment: Commenters stated that the proposed rule failed to address the definition of ''PHA Owned Unit'' and stated that the current definition causes continued confusion to industry participants, HUD, and HUD's Office of Inspector General (OIG). A commenter stated that the purpose of distinguishing PHA-owned units in the regulation is to prevent self-dealing by PHAs where they both own and administer voucher assistance for a given unit, and that the existing definition is unnecessarily broad and in some cases has led HUD to consider units as PHA-owned where the PHA is merely a ground lessor or a mortgagee, but does not exercise control over the project itself. The commenter stated that when a unit is deemed PHA-owned, then the regulations at § 983.59 apply. Another commenter stated that these require the engagement and compensation of an independent entity, rather than the PHA, for certain functions, including inspections and rent reasonableness determinations. Another commenter recommends tightening the definition so that the § 983.59 requirements apply only in those situations where the PHA controls the project and there could actually be

a conflict of interest in a PHA performing those functions itself.

A commenter also recommended that the definition require an independent entity to be involved when a PHA is both the owner and the voucher administrator.

Some commenters stated that HUD's definition is so broad that PHAs are determined to ''own'' a property regardless if they have no control over the property operations. The commenters recommended that HUD tighten the definition to ensure that ownership equates with having control over the property and an actual conflict of interest exists.

Other commenters recommended using the following definition ''PHA-owned unit means a unit in a project that is owned by the PHA, by a PHA instrumentality, or by a limited liability company or limited partnership in which the PHA (or PHA instrumentality) holds a controlling interest in the managing member or general partner.''

HUD Response: HUD appreciates the commenters' recommendations concerning the definition of PHA-owned units. However, HUD has not proposed changes to the definition, and believes that the changes proposed by the commenter should undergo public comment before HUD adopts any such change.

Issue: New Definition of ''Release of Funds'' (§ 983.3)

Comment: A commenter stated that the revised ''release of funds'' would allow HUD to issue a release of funds in lieu of use of form 7015.16 (Authority to Use Grant Funds) but stated that form 7015.16 is just one manner in which a release funds can be effectuated. The commenter recommended that the definition be revised to reference solely a ''release of funds'' or ''a release of funds in accordance with [24 CFR] Part 58.'' Another commenter recommended removing the requirement that a specific type of ''Letter to Proceed'' be used, which ''would facilitate PHA and owner efforts to combine project based voucher (PBV) assistance with other forms of HUD funding in one Part 58 clearance.''

HUD Response: The reason for the proposed change was to translate the function of form 7015.16 to actual program operations. The form grants authority to use grant funds. Issuance of a Letter to Proceed more accurately reflects the transaction since Section 8 funding under the voucher program is not provided in grant form.

Issue: Revised Definition of ''Special Housing Type'' (§ 983.3)

Comment: A commenter recommended that, as a conforming change to the rule, HUD remove reference to ''cooperative housing.''

HUD Response: HUD agrees with this comment, and the final rule removes the reference to cooperative housing from the list of housing types inapplicable to the PBV program.

Issue: Adding a Definition of ''Financial Closing'' (§ 983.3)

Comment: A commenter recommended that HUD add a definition of ''financial closing'' in order to bring clarity to when an AHAP should be executed. The commenter stated that typically, an AHAP is executed at the financial closing of the construction financing as a condition of the lenders and investors of the project, who are depending on the commitment of the PBV assistance.'' The commenter recommended the following language: ''A financial closing occurs once all of the construction financing for a project is in place and the legal documentation committing the financing to the project has been executed.''

HUD Response: HUD appreciates the commenter's recommendation to add a definition of financial closing to the PBV definitions. However, HUD believes that such a definition is not one that should be adopted at a final rule stage but should first undergo some measure of public comment prior to adoption.

Issue: Description of the PBV Program & Maximum Amount of PBV Assistance (§§ 983.5, 983.6)

Comment: A commenter stated that the information being sought have long been required in a PHA Annual Plans by way of HUD guidance, and the commenter referenced PIH notice, PIH 2011–54, September 20, 2011. The commenter requested that HUD explain why such information is now being requested as part of this rule. The commenter recommended that § 983.5 be revised to require that a PHA ''include in its PHA plan the projected number of PBV units, their general locations and how project basing would be consistent with the plan.''

Another commenter recommended deleting the language added at § 983.6(d) because the language adds administrative burden and HUD already has appropriate reporting mechanisms in place for PHAs. Additionally, the commenter stated that the collection of information only at the beginning of the PBV program is ineffective and the PHA plan already requires information on PBVs. The commenter recommended that HUD ''amend Part 903 or the Agency Plan template.''

Other commenters recommended that HUD include in the section that the PHA include the required information in the PHA Plan.

HUD Response: HUD agrees that the language as proposed is unclear. HUD is seeking to obtain the information required under § 983.6 prior to the selection of individual PBV proposals. Such information is not collected through any other HUD system, and the collection is necessary to ensure that PHA's are not exceeding the 20 percent statutory limitation on the amount of annual budget authority a PHA may project-base. As such, § 983.6 is revised, at this final rule stage, to require that a PHA submit the requested information to HUD before issuance of a Request for Proposals or a selection made pursuant to § 983.51(b)(2), including information on the impact the selection will have on a PHA's annual budget authority.

Issue: Applicability of Owner Proposal Selection Procedures to Public Housing Revitalization and Replacement Efforts (§ 983.51(b))

Comment: A commenter stated that it supported the change to allow owner selection without a competition in connection with ''public housing improvement, development or replacement efforts.'' The commenter stated it would constitute an ''important administrative streamlining in complex public housing revitalization processes, without appreciatively affecting competitive opportunities for receipt of PBV.''

HUD Response: HUD believes that the commenter misunderstood HUD's intent. Neither the proposed nor this final rule makes the change stated by the commenter. Neither does the rule make changes to the section that prohibits the attachment of PBV assistance to public housing units. The proposed rule simply reiterates the basis for the requirement.

Comment: Commenters recommended dropping ''the requirement that a prior competitive selection process not involve any consideration that the project would receive PBV assistance.'' The commenters stated the language is unclear and creates obstacles for owners. A commenter recommended the language be revised by deleting '', and the earlier competitive selection did not involve any consideration that the project would receive project-based assistance.'' Another commenter stated that this requirement is overly burdensome because it puts ''PHAs and

owners in an untenable position since they cannot compete for vouchers without tax credits and cannot compete for tax credits without PBV assistance.'' The commenter stated if deleting the requirement is not accepted than the language should be limited to instances ''in which points were awarded for the inclusion of such vouchers.''

HUD Response: Deleting the restriction would allow for the inclusion in a competitive selection process that a project will receive PBV assistance prior to an actual PBV selection. HUD believes that accepting the commenters' suggestion would lead to the distortion of both the competitive nature of the PBV program and the legitimacy of the rationale allowing for the selection of units that have undergone other recent legitimate competitive selections. Eliminating the requirement, as suggested, would give an advantage to prospective PBV project owners in the competitive selection upon which a PHA is relying to select units under the PBV program which would result in a HUD program requirement that could possibly taint the outcome of another Federal, State or local housing program. HUD therefore declines the commenters' recommendation to remove the current regulatory language.

Comment: Commenters recommended that HUD ''change the current requirement for a local competitive process in instances where a PHA will attach project-based vouchers to units in which it has an ownership interest as part of an initiative to improve, develop or replace a public housing property or site, provided that the PHA includes the initiative in its PHA Plan.''

The commenters stated that: ''In this narrow circumstance where a PHA desires to control the revitalization or replacement of its public housing through the use of PBVs for its own units, the requirement to conduct a competitive process is unlikely to be cost-effective and will add delay and uncertainty to critical public housing revitalization efforts.'' The commenters specifically recommended providing three options, and suggested the following language for the third option: ''(3) Selection of a proposal without a competitive process for PHA-owned housing as part of an initiative to improve, develop, or replace a public housing property or site.''

HUD Response: HUD appreciates the commenters' recommendation. However, these changes were not offered at the proposed rule stage and HUD believes that they should first undergo public comment before adopting the commenters' suggestions in a rule for effect. HUD, however, will consider the commenter's recommendation if HUD decides to propose a substantive change to the competitive selection requirements in future rulemaking.

Issue: Restrictions on Using PBVs in Public Housing (§§ 983.51(d), 983.54(a))

Comment: Commenters expressed concern and recommend that HUD clarify the current language restricting the use of PBVs in public housing because it could be interpreted to prevent the combining of public housing capital funds (including HOPE VI) with project-based vouchers. The commenters stated that the current language is contrary to the goal of preservation and believes that this was not HUD's intended outcome.

A commenter recommended that the existing regulation be revised to prohibit the use of PBV assistance with units that receiving public housing operating funds only, revise the final sentence of § 983.51(e) to read as follows: ''Under no circumstances may PBV assistance be used with a unit receiving public housing operating funds.;'' and revise § 983.54(a) to read as follows: ''Units receiving public housing operating funds.''

HUD Response: HUD appreciates the commenters' concern, however, the concern has been previously addressed by the Department in the 2005 PBV Final Rule, 70 FR 59892, 59900. The Proposed Rule and this Final Rule simply restate HUD's longstanding legal interpretation on using project-based voucher assistance in public housing units. Therefore, as stated in the 2005 PBV Final Rule, HUD reiterates that Congress' adoption of disparate or parallel statutory provisions for the public housing and voucher programs affirms that public housing and voucher programs are intended to operate as separate, and mutually exclusive, subsidy systems under the 1937 Act. It is not permissible by law to combine voucher funds with public housing funds. For HOPE VI funds that predate fiscal year (FY) 2000, it is generally permissible to combine these funds in accordance with the terms of the relevant HOPE VI appropriations act if the HOPE VI funds were not used to develop or operate public housing units. It is not permissible in any case to combine HOPE VI funds appropriated on and after FY 2000 (Section 24 funds), because Section 24 funds are public housing funds. If Capital Funds or Section 24 funds are used in the development of affordable housing, pro-ration must occur. For example, if a project receives $2,000 in non-public housing HOPE VI funds and $1,000 in Capital Funds and there are 60 units in the development, 20 of the units (one-third) are being funded with capital funds and, therefore, cannot be combined with project-based vouchers. Provided that the remaining 40 units (two-thirds) are not receiving any Public Housing funds, the units may be assisted under the PBV program.

Issue: New Language Allowing PHAs Greater Flexibility (§ 983.51)

Comment: A commenter recommended that HUD add a paragraph (g) to this section that would allow the number of ''units under a HAP contract to be increased up to the number awarded on the proposal selection date without an additional competitive selection'' at any time. The commenter stated that this change will help stabilize projects and provide long-term affordable housing when owners lose units for no fault of their own, including over-income tenants and wrong-sized families, and that the change is crucial because the regulations at § 983.211 and § 983.258 clarify that a unit must be removed from the HAP Contract if a unit is over-income or otherwise not eligible, but § 983.207 only allows the addition of a unit within three years of the execution of the HAP Contract.

Another commenter stated that to the extent that a unit loses subsidy for no fault of the owner, the regulations should clarify that the unit can be included in the HAP Contract upon lease-up of a subsequent eligible resident. The feasibility of projects is based upon the commitment of a certain level of PBV assistance during the full term of the HAP Contract. In order to preserve the affordability of the projects, the PHA must be able to provide the originally committed level of assistance when the amount of subsidy is decreased through no fault of the owner. The commenter recommended the following language ''Once a PBV proposal has been selected pursuant to this section, the PHA may increase the units under the HAP contract up to the number of units originally awarded upon the proposal selection.''

HUD Response: HUD appreciates the commenters' recommendation. However, similar to HUD's response to recommendations to change the procedures governing an owner' proposal selection for public housing revitalization and replacement efforts, HUD believes that these changes should first undergo public comment before adopting the commenters suggestions in a rule for effect. If in a future rulemaking HUD proposes a substantive change to the competitive selection

requirements, the recommendations of the commenters will be considered.

Issue: Subsidy Layering Review Not Required for Existing Housing (§ 983.55)

Comment: A commenter recommended that HUD clarify the change to § 983.55(a) by inserting a period after ''existing housing'' and making the ''nor'' clause into a separate sentence.

HUD Response: HUD agrees with the commenter and the final rule clarifies the sentence as suggested by the commenter.

Issue: Cap on Number of PBV Units in Each Project (§ 983.56)

Comment: Commenters stated that § 983.56 is unclear in regard to the types of units excluded, such as single family project units, and requests clarification in how to apply the 25 percent cap to PBV units in a project. A commenter stated it is unclear ''in the context of a project that may combine multifamily structures with structures containing one or two units. The rule was previously understood to exclude from the general calculation any building of less than four units, and we would suggest clarifying the rule to continue this practice.''

HUD Response: HUD agrees with the commenter and in this final rule does not contain the proposed change to replace the word building with project in § 983.56(b)(1)(i).

Comment: A commenter recommended the following language, ''*Combining exception categories.* Exception categories in a multifamily housing project may be combined, such that excepted units in a single project may include elderly families, disabled families, and families receiving supportive services, or any combination thereof. Additionally a project may include excepted and non-excepted units (i.e., only those units over the 25 percent per-project cap must be excepted units).''

HUD Response: HUD believes the intent of the regulation is adequately discussed in the preamble and does not believe further revision to the proposed regulatory text is necessary.

Issue: Termination of Rental Assistance for Families in ''Excepted'' Properties That No Longer Qualify for Benefits (§§ 983.56(b)(2)(ii)(B)&(C), 983.257(c), 983.261(d))

Comment: Commenters stated that the rule leaves ''unchanged, provisions in three current sections pertaining to project-based units that are ''excepted'' from the 25 percent per-property cap on voucher project basing . . . that requires remaining members of a family that no longer qualifies for elderly or disabled family status to vacate their home.'' Commenters stated that these provisions are contrary to other provisions, such as allowing families to remain in homes at the end of a FSS contract, contrary to VAWA, and contrary to HUD policy, and the commenter, as an example, referenced HUD's policy for allocating VASH vouchers in the event of domestic violence. HUD–VASH Qs and As, No. D.4.''

HUD Response: HUD agrees with the commenters that family members residing in a unit that no longer qualifies for elderly or disabled family status should not be required to vacate the unit under conditions that are beyond the control of the family, and Section II of this preamble advises of the change that HUD is making at this final rule stage to address this concern.

Comment: Commenters stated that the rule requires that to maintain occupancy the occupants must work, a requirement that is counter to the principle that housing should be voluntary, and the commenter references Notice PIH 2011–33, dated as recently as June 24, 2011, which provides that ''Under no circumstance may a PHA terminate assistance from the public housing program as a consequence of unemployment, underemployment, or otherwise failing to meet the work activity requirement for a particular public housing development.''

Commenters recommended that the PBV termination rule be removed or HUD should ''[p]redicate such terminations on the availability of tenant-based vouchers so that a family can move with continued assistance (similar to the policy that applies to over-or under-housed families at § 983.259 and that applies to public housing families at Notice PIH 2011–33); or if the property is partially assisted, allow the family to remain, substituting the housing assistance contract of their unit with another unit, if available, as is currently allowed at § 983.261(d).'' Another commenter stated: ''If the property is fully assisted, allow the family to remain but when the family vacates the new tenant would be subject to the requirements that apply to ''excepted'' units.''

HUD Response: The statutory exception to the 25 percent limitation on dwelling units receiving assistance under a PBV contract specifically requires that families receive supportive services. If a family continues to reside in an excepted unit after failing, without good cause, to complete the service requirement, the unit must be removed from the HAP contract since it only qualifies as an excepted unit if the family is receiving supportive services.

The service requirement is a condition of occupancy of the PBV unit and is a family obligation contained within the Statement of Family Responsibility that must be signed prior to leasing the unit. A family's failure to complete the service requirement, without good cause, is considered a violation of family obligations and grounds for termination from the program.

HUD disagrees that the service requirement is a work requirement. Occupancy in a unit excepted from the 25 percent limitation on PBV units in a family project is not based on employment, but rather the statute provides that the exception is allowed for units leased by families receiving supportive services.

Issue: Environmental Review for Existing Structures (§ 983.58)

Comment: Commenters expressed disagreement with HUD's interpretation of the statutory language (Section 2835(a)(1)(f) of HERA). Commenters stated that the current interpretation renders the HERA provision meaningless. Another commenter stated that ''HERA specifically provided that PHAs would not be required to undertake environmental reviews of an existing structure 'except to the extent that such a review is otherwise required by law or regulation.' '' Other commenters stated that ''HUD should have interpreted the phrase 'otherwise required' as required by a law or regulation related to other funding for the units.''

A commenter stated that HUD's interpretation violates principles of statutory construction by rendering the language superfluous, and HUD's failure to implement the statute accurately has caused PHAs additional administrative burdens, ''particularly for PHAs using Project-Based Vouchers for substantial numbers of existing units on different sites.''

A commenter recommended that HUD replace § 983.58(c), with the following: ''(c) *Existing housing.* Existing housing under this part 983 is exempt from environmental review, unless required by law or regulation related to funding for the units other than PBV assistance. If an environmental review is required, the RE [responsible entity] that is responsible for the environmental review under 24 CFR part 58 must determine whether or not PBV assistance is categorically excluded from review under the National Environmental Policy Act and whether or not the assistance is subject to review

under the laws and authorities listed in 24 CFR 58.5.''

HUD Response: Section 2835(a)(1)(F) of HERA adds section 8(o)(13)(M)(ii) to the 1937 Act and specifically relieves PHAs from undertaking any environmental review before entering into a HAP contract for an existing structure, except to the extent such a review is otherwise required by law or regulation. A number of broadly applicable Federal statutes, executive orders, and regulations require environmental reviews of various types to be performed by Federal agencies prior to agency actions, including approving Federal assistance for a project. In the case of Section 8, Section 26 of the 1937 Act provides for the assumption by a state or unit of general local government of these environmental review responsibilities. Contrary to the commenters' insistence that HUD's interpretation of the statute renders it meaningless, Section 8(o)(13)(M)(ii) simply does not relieve a state, unit of general local government, or HUD of these responsibilities to undertake an environmental review of existing projects prior to execution of a HAP, and does not authorize HUD to declare such projects exempt from environmental review.

Comment: A commenter stated that the environmental review should be limited for existing PBV to situations where such review is required by funding sources for the units other than PBV. The commenter stated that this step will eliminate the need for PHA efforts that do not contribute significantly to environmental protection or the well-being of residents, as Congress intended.

HUD Response: Environmental reviews on existing projects are appropriately less extensive than for new construction, and include evaluation of factors such as flood hazards and site contamination that do affect the well-being of residents.

Issue: New Language for PHA Owned Units (§ 983.59)

Comment: A commenter recommends that HUD add language ''to allow PHAs to pass the costs of the PBV program to the owners and remove the requirement that an independent entity must approve a renewal.'' The commenter states that PHAs have actual expenses in providing PBV assistance which are not covered by administrative fees, and that therefore, the ''regulations should make clear that the PHA may pass those costs on to the owner to be paid as operating costs of the project, provided that the payment of the tenant shall not be increased. Additionally, since an independent entity is already approving the amount of assistance and the inspection of units, we do not believe that the independent entity is necessarily best suited to determine the appropriateness of renewals.''

Another commenter suggested that § 983.59(b) be deleted and the following language replace paragraph (d)(1). ''The PHA may compensate the independent entity from PHA ongoing administrative fee income (including amounts credited to the administrative fee reserve). The PHA may not use other program receipts to compensate the independent entity for its services; provided, however, that the PHA may pass such costs on to the owner to be paid as an operating cost of the project.''

HUD Response: The suggested changes involve statutory requirements and therefore cannot be accepted. Section 8(o)(13)(F) of the 1937 Act requires that for PHA-owned housing, the term of the contract shall be agreed upon by the agency and the unit of general local government or other entity approved by HUD in the manner provided under section 8(o)(11) of the 1937 Act. Section 8(o)(11) provides that the agency is responsible for payments for determinations made by the unit of general local government or other approved HUD entity.

Issue: Elimination of an Independent Real Estate Appraisal (§ 983.59)

Comment: A commenter stated that the proposal ''to eliminate the current requirement for a real estate appraisal to determine initial contract rents to a Section 8 building owner'' is misguided and HUD provides unsubstantiated evidence for the proposed change. The commenter recommended that the provision be deleted from the final rule and HUD should maintain the appraisal requirement.

Another commenter stated that there are certified appraiser readily available, citing that ''as of December 31, 2011, the number of active real estate appraisers in the U.S. stood at 86,800. Of this figure, approximately 30 percent, or 26,000, are classified as Certified General Real Property Appraisers.'' Another commenter stated that appraisers provide timely services, with research indicating appraisal times have stayed relatively constant, and cost competitive services, reports indicating costs have declined over the years. A commenter recommended that HUD clarify what data or research supports the conclusion that certified appraisers are not readily available, do not provide timely service, and do not provide cost competitive services.

Another commenter stated that ''it is in the best interests of the Department and taxpayers that the contract rents [paid] to building owners be based on *independent* and *objective* market information. This information is best provided by qualified real estate appraisers. Real estate appraisers are trained to provide the information sought by HUD in an objective and independent manner. We believe doing otherwise actually puts the limited funds set aside for Section 8 vouchers at risk.''

HUD Response: Based on the commenter's concerns that rents for PHA-owned units will not continue to be determined through a state-certified appraiser and, therefore, determinations will lose objectivity, HUD believes that the same objective can be achieved through rent reasonableness determinations by an independent entity. This requirement was only administratively imposed and because the same results can be achieved otherwise, HUD is eliminating the requirement as proposed.

Issue: Eliminate Requirement That an Independent Entity Inspecting PHA Units Furnish a Copy of Each Inspection Report to the HUD Field Office (§ 983.103)

Comment: A commenter stated that ''there is no evidence that this paperwork-generating requirement has resulted in better unit conditions.'' The commenter recommends deleting in § 983.103(f)(2) the language: ''and to the HUD field office where the project is located''.

HUD Response: HUD has not proposed a change to § 983.103(f)(2). Nonetheless, to address the commenter's concern, HUD believes there is value in the requirement in that it furthers the statutory intent to provide independent oversight of PHA owned housing in certain areas of program administration.

Issue: Commencement of Construction (§§ 983.152, 983.153)

Comment: Commenters responded to HUD's request for comments on the applicability of the commencement of new construction requirement for projects receiving other federal funds on which construction has already started. Commenters stated that this change would have an impact on all possible new owners that are interested in a PBV property after construction has begun rather than just those receiving other federal funds. A commenter stated ''that it is not uncommon for site preparation to have begun before a developer submits a proposal for funding. The

proposed 'commencement of construction' standard eliminates a funding agency's opportunity to influence a developer to incorporate PBV units into the development after its selection. Beyond foreclosing opportunities to incorporate PBV units into a development, it is not apparent that this definition of commencement of construction serves a useful purpose.'' A commenter recommended that HUD provide ''the greatest flexibility allowed by law for owners and PHAs to enter into AHAPs, even after the proposed definition of 'commencement of construction.' ''

Another commenter stated that it recognized the necessity of complying with NEPA and not commencing work prior to completion of environmental reviews, but stated that it sees ''no other HUD objective served by this rule that could not be accomplished by far less restrictive means.'' Other commenters stated that the complexity of financings and regulatory requirements requires flexibility for developers and finances during the process, especially when a project doesn't initially rely on PBV. A commenter stated that the layering of financing is subject to HUD workload constraints and consequent delays that have severely impacted the ability of projects to meet placed-in-service (PIS) deadlines. Another commenter stated that HUD could require that the environmental review be completed prior to ''early start activities'' and that they are in accordance with other applicable federal requirements, such as Davis-Bacon wage standards and Section 3 hiring requirements, without requiring an executed AHAP contract. The commenter recommended a simple ''certification from the owner (with HUD's standard text regarding potential penalties for false statements) that all work performed prior to AHAP execution has been so performed. If a PHA requests the early release of funding for early start work, HUD may require such a certification at that time.''

Several commenters stated that there seems to be no apparent policy rationale offered for HUD's position and recommended revising § 983.152(a) to allow an exception for extenuating circumstances. Commenters stated that they recognized the need that all part 983 requirements be met, but stated that the PHA can certify to those requirements without HUD concerning itself with the timing of executing the AHAP contract.

A commenter stated that the recommended definition will severely limit the use of the PBV program and ''does not reflect the realities of how the development process works, and is not necessitated by any regulatory requirements.'' Another commenter recommended that HUD tie the execution of the AHAP to the financial closing for the construction or rehabilitation work, provided the PHA has certified the owner has met the other HUD requirements. Specifically, the commenter suggested § 983.152(a) be revised as follows: ''Requirement. The PHA must enter into an Agreement with the owner upon financial closing. The Agreement must be in the form required by HUD'' and that § 983.153(c) be revised to read as follows: ''Prompt execution of Agreement. The Agreement must be executed after the subsidy layering and environmental approvals are received from HUD at financial closing.''

HUD Response: The determination of start of construction is necessary to ensure that units are constructed or rehabilitated in compliance with section 12(a) of the 1937 Act, and Davis-Bacon wage rates, where applicable. The Section 8 program, including the PBV program, is subject to statutory labor standards provisions in Section 12(a) of the 1937 Act. Section 12(a) of the U.S. Housing Act requires the applicability of Davis-Bacon prevailing wages to the development of low-income housing projects containing nine or more Section 8-assisted units, where there is an agreement for Section 8 use before construction or rehabilitation is commenced. HUD's position has long been that once a Section 8 housing project has been initially developed and placed under a HAP contract, a later decision by an owner to repair or rehabilitate the project as it ages does not constitute ''development'' of the Section 8 project and is not subject to Davis-Bacon wage rates. However, construction, including rehabilitation work, performed in connection with the initial placement of a project under a PBV HAP contract constitutes development of the project and is subject to Davis-Bacon wage rates where the project contains nine or more assisted units.

The final rule provides a clear definition of start of construction and rehabilitation, and requires that no construction or rehabilitation can proceed after proposal submission and prior to an AHAP being executed. After AHAP execution all construction and rehabilitation must be carried out in accordance with the AHAP and program requirements which may include Davis Bacon wage requirements.

Issue: Extension of Initial Term (§ 983.205)

Comment: Several commenters expressed disagreement with HUD's interpretation that the PBV contract must end after a 15-year renewal. A commenter stated that HUD's interpretation is contrary to the statute and proposed the limit be for a maximum of 30 years. The commenter stated that the extension contracts need to continue to give homeless people more protection.

Other commenters stated that HUD should comply with the spirit of the original PBV statute which refers to long-term affordability and unlimited number of extensions of the initial HAP contract for up to 15 years. Other commenters stated that continued renewals are extremely important to ensure long-term affordability and is essential to preserving the stock of housing affordability to extremely low income people.

A few commenters stated that the language as written is confusing. The commenters asked ''Is HUD attempting to limit the entire term of the contract to 30 years? In other words, if a PHA provides a 15 year initial HAP contract with an agreement to extend for another 15 years, HUD will disallow any further extensions?''

A commenter stated that it seeks clear language that allows for multiple renewals of 15 year terms so not to lose the already limited inventory of affordable housing to the market.

Other commenters stated that the proposed rule violates the explicit HERA amendment, which permits an advance agreement for a potentially unlimited number of 15-year extensions so long as the property meets HQS and the rents do not exceed applicable limitations. A commenter recommended removing sentences two and three, and replacing sentence one as follows: ''A PHA may agree to enter into *one or more extensions* at the time of the initial HAP contract or any time before expiration of the contract, for an additional term *or terms* of up to 15 years *each* if the PHA determines an extension is appropriate to continue providing affordable housing for low-income families.''

A commenter recommended that HUD remove sentences two and three, and replace the first sentence as follows, ''A PHA at the time of the initial HAP contract or any time before expiration of the contract, for an additional term *or terms* of up to 15 years *each* if the PHA determines an extension is appropriate to continue providing affordable housing for low-income families.''

Another commenter stated that § 983.205(b) should be revised to ''clarify that HAP contracts may be extended for up to 15-year terms, with no stated limit on the number of extensions.''

A commenter stated that the statute gives the PHA the authority to extend the contract ''upon a PHA's informed judgment about what is reasonably appropriate in order to achieve long-term affordability of the housing or to expand housing opportunities.'' The commenter also stated that ''Congress' use of the word ''terms,'' and use of the word ''each'' to modify 15 years, demonstrates that Congress' statutory language in HERA was *not* intended to limit a PHA to extend PBV HAP contracts to a ''term'' of up to 15 years exclusively.

Another commenter recommended removing the language at the end of § 983.205 and using the following language: ''*Extension of term.* A PHA may agree to enter into an extension at the time of the initial HAP contract term or any time before expiration of the contract, for additional terms of up to 15 years each if the PHA determines an extension is appropriate to continue providing affordable housing for low-income families. In the case of PHA-owned units, any extension of the initial term of the HAP contract shall be determined in accordance with § 983.59.''

HUD Response: The proposed rule allows for an extension at the beginning of the initial HAP contract term. Essentially, an initial 30-year commitment is permissible at the commencement of the HAP contract provided the PHA is able to make the requisite determination that an extension is appropriate to continue providing affordable housing for low-income families or to expand housing opportunities. A 15 year initial term and a 15 year extension is consistent with requirements under LIHTC program under which the project owner must agree to maintain an agreed upon percentage of low income units for an initial 15 year compliance period and subsequent 15-year extended use period. The required LIHTC extended use period ensures that a 15-year PBV extension is appropriate to continue providing affordable housing for low-income families. The HERA amendment, and HUD's reasonable implementation of it, facilitates preservation of affordable housing for the LIHTC compliance period and extended use period. In addition, provided that the PBV program is not repealed, owners and PHAs will have the opportunity at the end of the 30 year period to go beyond 30 years of assistance (HUD uses LIHTCs as an example since LIHTCs are the main source of financing used with PBVs. The Department is not asserting that because the LIHTC period is 30 years, this is dispositive on how long extensions may be). HUD's initial limitation on contract extensions is not intended to bar the possibility for future extensions.

The final rule therefore allows for future extensions at the end of any extension term provided that not more than 24 months prior to the expiration of any extension contract, the PHA agrees to an extension of the term at the end of the previous term, and that such extension is appropriate to continue providing affordable housing for low-income families or to expand housing opportunities. HUD is, exercising its discretion to establish a reasonable limit on the cumulative term of any contract extension in this manner because HUD believes allowing a PHA and owner to extend a HAP contract for an endless number of terms during the initial HAP contract, as suggested by some commenters, may conflict with the PHA's statutorily required determination that must be made prior to extending the underlying contract both initially and for subsequent extensions.

Issue: Terminating a HAP Contract When a Rent Reduction Falls Below Initial Rent Level (§ 983.205)

Comment: A commenter requested that HUD clarify why it is requiring, given there is no statutory requirement, for ''an owner seeking to terminate a HAP contract when the rent for any contract unit is adjusted below the initial rent level would be required to provide a notice to the PHA and HUD and seek HUD approval.'' Another commenter stated that the continued allowance that an owner can terminate a contract if a rent reduction is below the initial rent level creates a conflict with § 983.302. The commenter recommended changing § 983.302(c)(2) to include an ''a requirement that the owner accept the regular, tenant-based voucher of a prior PBV tenant. The use of a voucher in the unit would be subject to regular HCV rules of rent reasonableness and HQS compliance. But if an owner opts out of a PBV contract rather than accept a rent reduction, the PHA finds the rent to be reasonable, and the tenant wants to remain and pay the likely additional rent above the PHA payment standard, HUD's rules should encourage such stability.''

HUD Response: The regulation reflects an existing requirement. Under the May 15, 2012, rule, HUD proposed that the owner provide notice to HUD, as well as the PHA, and receive approval from HUD when terminating the HAP contract due to a rent reduction causing rents to fall below the initial rent level. Upon further consideration, HUD withdraws its proposed change and maintains the current regulatory language. A commenter stated that there is a conflict between the existing regulation of allowing the owner to terminate the contract if a rent reduction causes the rent to fall below the initial rent level, and § 983.302. HUD disagrees since in limited circumstances, as enumerated in § 983.302(c)(2) the rent to owner may be required to be reduced below the initial rent (e.g., if additional housing assistance has been combined with PBV assistance after execution of the initial HAP contract and a rent decrease is required pursuant to the prohibition of excess public assistance (see § 983.55)). The commenter also suggests that HUD require an owner to accept a regular voucher when the owner exercises the right to terminate assistance in accordance with (§ 983.205). HUD declines to make the change since HUD does not have the authority to require that an owner accept a voucher.

Issue: Statutory Notice Requirements (§ 983.206)

Comment: Several commenters expressed their support for this provision. Several commenters expressed support for the requirement in § 983.206(b) and (d) that would require owners to provide tenants one-year notice of the owner's intent to terminate a PBV housing assistance payment contract. Certain commenters suggested that the notice be in writing and that the notice require ''owners, after a contract is terminated, to accept any replacement tenant-based assistance provided to residents who had been assisted with PBV.'' Other commenters stated that providing notice to tenants will allow them ''to search for and secure affordable replacement housing.'' The commenters also noted support for (d) that ''ensures that tenants must be able to remain in their units without a rent increase if the owner fails to provide timely notice.''

A commenter recommended replacing the word ''notify'' with ''provide written notice'' in § 983.206(b) and revising § 983.206(d)(1). The commenter suggested that when the owner does not give timely written notice than the owner must permit the tenants in assisted units to remain in their units for the required notice period until one year following the legally required

notice, with no increase in the tenant portion of their rent and with no eviction. This same commenter recommended adding a paragraph (e) stating: ''Following termination of the contract, an owner shall accept any replacement tenant-based assistance provided to assisted tenants in residence at the time of the termination, provided that this requirement shall not limit the reasonable market rent charged by the owner.''

Another commenter requested that HUD reconsider requiring owners to provide notice one year prior to termination because it is not required by the statue and may have disadvantages to residents. The commenter stated that the statute does not require notice for the PBV program when it is tenant-based assistance. Specifically, the commenter noted that ''unlike other project based programs, if the PBV HAP Contract is terminated, each resident would receive a tenant-based voucher to either stay at the project or move to another place of their choice. A year of notice is counter-productive since it causes great concern for the residents, even though their housing assistance is not in jeopardy.'' The commenter recommended that HUD require 60 days' notice and HUD could consider requiring that ''if the Owner will continue to operate the project as rental housing, the tenants may not be evicted except under the terms of their lease.''

HUD Response: HUD appreciates the comments in support of § 983.206, but disagrees with the commenter's that stated that the statutory requirement to provide a one-year notice of termination or expiration does not apply to the PBV program. Section 8(c)(8) applies to project based assistance and Section 8(f) of the statute defines project-based assistance to include assistance provided under Section 8(o)(13) (PBV assistance).

Issue: Recommending a Change to the 3-Year Limit on Adding Units to an Existing HAP Contract (§ 983.207)

Comment: Certain commenters objected to the existing three year limit for a PHA to add units to a HAP contract. The commenters stated that the need to add usually because ''families living in those units were not eligible for the vouchers'' upon execution of the HAP contract. The commenters recommended HUD provide no limit on adding units.

Another commenter requested that HUD clarify § 983.207(d) so ''that the PHA may amend the HAP Contract at any time to add additional units, provided that the total number of units does not exceed the original award/HAP Contract. To the extent those units were part of the initial award, the fact that the contract was terminated with respect to specific units in accordance with 24 CFR 983.211 should not make those units ineligible for assistance provided that future families are eligible for assistance.'' Another commenter recommended amending § 983.207(b) by adding that ''or at any time when a unit that has been occupied by an ineligible family since that execution date becomes occupied by an eligible family'' after the language ''during the three-year period immediately following the execution date of the HAP contract.'' A commenter stated that allowing units to be added after the three years from the initial HAP contract where turnover provides ''would facilitate contract administration, as well as financing when renovations are involved.''

Another commenter stated that being able to add units is important for the feasibility of the project and the PHA should be able to increase the number of units under the HAP contract to the number originally awarded. This same commenter recommended the following language for § 983.207(b): ''*Amendment to add contract units.* At the discretion of the PHA, a HAP contract may be amended to add additional PBV contract units in the same project up to the number of units originally awarded upon the proposal selection. An amendment to the HAP contract is subject to all PBV requirements (e.g. rents are reasonable), except that a new PBV request for proposals is not required. The anniversary and expiration dates of the HAP contract for the additional units must be the same as the anniversary and expiration dates of the HAP contract term for the PBV units originally placed under HAP contract.''

HUD Response: HUD appreciates the commenters' recommendation and is providing for the reinstatement of some units to the HAP contract under § 983.211.

Issue: Amendment To Add Contract Units—Clarifying the 25% Per-Project Cap When Adding Units to an Existing HAP Contract (§ 983.207)

Comment: Commenters requested that HUD amend § 983.207(b) to clarify that the HAP can ''assist more than the 25% per-project cap if the assisted units are excepted units in accordance with 983.56.'' A commenter recommended that HUD strike the language and simply require additional units to comply with the regulations in 24 CFR part 983.

HUD Response: HUD agrees with the commenter and the final rule makes this clarification. The rule clarifies that the 25 percent limitation applies unless the units are excepted units pursuant to § 983.56.

Issue: Removal of Units From HAP Contract (§§ 983.211, 983.258)

Comment: A commenter stated that the change proposed to § 983.211 is important, but recommended that HUD ''improve on the proposed rule by allowing a PHA, where there is not another unit that can be substituted to maintain the number of PBV units in the property, to allow the unit to remain under the PBV contract despite the absence of housing assistance payments for the unit. The commenter stated that alternatively, HUD should allow the reduction in units under the PBV contract to be temporary, to enable the original number of PBV units to be restored if a unit becomes vacant and is rented to an eligible family. (A change in § 983.258 also would be required to implement this recommended policy.)''

Another commenter stated that volume for PBVs are governed by budget authority rather than number of units, so ''allowing units with unsubsidized families to remain under HAP contract would facilitate program administration with no negative effects on the program.'' Other commenters stated that HUD's proposal does not provide a return of PBV units to the HAP Contract. The commenters recommended that if units are removed from the HAP contract without fault of the owner, the units should be added back to the HAP contract with no delay when the units are re-released to eligible families.

HUD Response: HUD appreciates the commenters' recommendation and is adopting language that allows for a project that is not partially assisted to re-instate units when an ineligible family vacates and clarifying when a partially assisted unit may substitute a unit in § 983.211. However, the other changes recommended by the commenters should first undergo public comment before being adopted in a rule for effect. HUD will consider such changes in future rulemaking for the PBV program.

Issue: Participant Selection—Preference for People With Disabilities (§ 983.251)

Comment: Commenters stated that the interpretation of § 983.251(d) has been challenging for PHAs and HUD, and that the use of the word ''qualify'' in place of ''need'' in the rule is an improvement in tenant selection preference policies. A commenter stated that PBV can be used to create supportive housing properties or sub-set of units at a property, and the housing could have outside service providers or on-site services provided. Other commenters

recommended that the language be changed to ''(d) *Preference for services offered.* In selecting families, PHAs may give preference to disabled families who qualify for services offered in conjunction with the assisted units, in accordance with the limits under this paragraph. . . .''

HUD Response: HUD appreciates the commenters' feedback and recommendations. As noted earlier in this preamble, the final rule uses the existing codified term ''need'' and does not substitute ''qualify'' for ''need'' based on concern that ''qualify'' may be interpreted in such a way as to exclude tenants eligible for the preference. Further, HUD does not adopt the commenters' phrase of ''services offered in conjunction with the assisted units'' because HUD returns to the existing language ''services offered at a particular project.'' HUD believes the language distinguishing between ''services offered at a particular project and services offered in conjunction with specific units'' may be misinterpreted as more limiting than the existing language.

Issue: Participant Selection—Rescreening (§ 983.251(b))

Comment: Commenters stated that tenants residing at the time of conversion from one form of assistance to PBVs should be exempt from rescreening in fulfillment of ''HUD's duty to minimize displacement in administration of its programs, 42 U.S.C. 5313 note.'' Other commenters recommended adding as the second to last sentence of § 983.251(b) the following language, ''In addition, such families who were recipients of another form of HUD rental assistance at the time of project selection will not be subject to additional elective screening requirements and may be evicted from the property only for good cause in accordance with the lease.''

HUD Response: HUD does not have the statutory authority to eliminate mandatory PHA screening requirements. The issue of permissive screening activities a PHA may engage in is beyond the scope of this rule. Any changes HUD might seek to make in the future would require that such changes be proposed to give interested parties the opportunity to comment.

Issue: Termination of Leases (§ 983.256)

Comment: Commenters stated that the preamble to the proposed rule states the intent is to provide ''a reliable long-term lease for a tenant unless the owner provides *good cause* for termination of the lease or nonrenewal of the lease.'' However, § 983.256(f)(3)(i) of the proposed regulatory text continues to allow an owner to terminate a lease without good cause. Other commenters recommended that HUD revise the language to state ''(i) The owner terminates the lease for good cause.'' A commenter recommended that that language be changed to protect those who may be targeted because of bias. Another commenter recommended that § 983.256 include explicit language stating that a tenancy may only be terminated for good cause.

HUD Response: The PBV regulations at §§ 983.256 and 983.257 must be read in conjunction with the cross-referenced tenant-based regulation (§ 982.310) which only allows termination for good cause. The PBV provision that allowed an owner to renew without good cause, former § 983.257(b)(3), has been removed. Nonetheless, to eliminate the possibility of confusion, the final rule revises § 983.256 to clearly state that an owner may only terminate a lease for good cause during the lease term.

Issue: Overcrowded, Under-Occupied, and Accessible Units (§ 983.260)

Comment: A commenter stated the rule ''states that a PHA must terminate PBV for a family in a wrong-sized unit or in a unit with unneeded accessibility features, while also requiring a PHA to provide continued housing assistance.'' Other commenters requested that HUD clarify by providing guidance regarding the type of assistance that should be offered and suggested adding language stating that ''an appropriate unit must be offered if one is available in the same building or development. If an appropriate unit is not available, a PHA may offer another form of project-based assistance. However, a PHA must always offer tenant-based voucher assistance in addition to project-based assistance, allowing a family to choose the form of assistance.''

A commenter recommended that for families that resided in a unit for at least a year the PHA should be required to offer tenant-based voucher assistance ''and allow the family to choose the form of assistance it will receive. In addition, when a family has received a tenant-based voucher because its PBV assistance is terminated due to unit size or accessibility features, the rule should explicitly require the PHA to help the family find an appropriate unit, consistent with the requirement in 24 CFR § 982.403.'' This same commenter stated that the proposed change is confusing and fails to provide protections for family similar to other HUD project-based rental assistance programs. The commenter requested that HUD use the existing language concerning termination of the ''housing assistance payment'' to prevent confusion that the ''HAP contract'' is being terminated and ''ensure that units are not made unavailable for other families who would be eligible for project-based assistance when a vacating family receives a tenant-based voucher. In addition, the final rule should clarify that such termination should occur only when an available unit has been identified for a family receiving a tenant-based voucher. This change is consistent with the parallel rule in the regular tenant-based program, and is necessary to avoid causing the displaced family to become homeless.

HUD Response: The PBV regulations at §§ 983.260(c)(1) and 983.260(c)(2) are clarified in this final rule to express HUD's intent that if a family does not move out of the wrong-sized or accessible PBV unit by the expiration of the term of the family's voucher (including any extension) or within a reasonable time of the PHA's offer of assistance in accordance with § 983.260(c)(2), the PHA must remove the unit from the HAP contract.

Issue: Suggested Change to Utility Allowance (§ 983.301(f))

Comment: A commenter recommended that HUD revise the RAD program and other preservation conversions that have a PHA utility allowance, but permit the use of property based utility allowances when available. The commenter stated that the rule directs PHAs ''to use their current PHA wide utility allowances for purposes of calculating rents'' which works when PBVs ''are added to a previously unassisted project where the property utility data is not available. However, for properties that have had HUD assistance, it is very likely that the property will have its own utility allowance which is probably more up to date than the PHA allowance and certainly will be reflective of the property.'' Allowing the use of the PHA utility allowance creates a disincentive ''for the property owner to undertake energy efficiency retrofits.''

HUD Response: This rule is limited to revising and updating regulations for the PBV program. Regulations applicable to RAD, which is a demonstration program, are covered by the RAD notices.

Issue: Implementation of the Rent Floor Permissible Rather Than Mandatory (§§ 983.301, 983.302, 983.303)

Comment: Commenters stated that the current language in §§ 983.301 and 983.302 goes beyond the statutory

language of HERA. A commenter stated that HERA explicitly delegated the authority to make the decision about rent floors for a PBV contract to the PHA, and doing so makes good policy sense. For example, the commenter stated that ''It may be important to have such rent security in locations where it could reasonably be expected that rents are volatile and the PBV contract will enable the owner to leverage additional funds for development or rehabilitation. But in other situations, such as where the PBV contract is for existing housing, such rent security could potentially come at the expense of a PHA's ability to assist additional families.'' Other commenters recommended that these two regulatory sections be revised to allow the PHA in its discretion to not reduce the rents below the initial rents, if the contract rents are not reasonable. PHAs need to retain this discretion to weigh the needs of the particular project against other projects.

A commenter requested that HUD make it clear that PHAs could reduce the rent based on the reasons specific in the rule and clarify ''that whether or not the PHA has agreed contractually to not reduce rents below the initial rent, a PHA is not required to reduce PBV rents below the initial rent if the FMR declines by more than 5% or the rent would otherwise exceed 110% of FMR. PHAs should be able to make the decisions of whether to reduce PBV rents when the FMR declines on a case-by-case basis.''

Another commenter suggested that HUD change § 983.301(e) to require that the ''rent to the owner for each contract unit may at no time exceed the reasonable rent, except in cases where, upon redetermination of the rent to owner, the reasonable rent would result in a rent below the initial rent.'' The commenter stated that the statutory language does not require the stipulation in the PBV HAP contract and ''if a PHA chooses to include this stipulation in the PBV HAP contract with the consent of the owner, the language in HERA requires that the provision stipulate the maximum rent permitted for a dwelling unit shall not be less than the initial rent for the dwelling unit under the initial housing assistance payments contract covering the PBV assisted unit.''

HUD Response: HUD appreciates the comments received on the implementation of the HERA provision allowing initial PBV rents to be considered the rent floor for purposes of rent adjustments, but HUD disagrees with the commenters' opinion that the statutory provision explicitly delegates the authority to make the decision about rent floors for a PBV contract to the PHA. Congress explicitly delegated certain decisions to PHAs in HERA (e.g., the statute specifically states that the PHA may, in its discretion continue to provide assistance under the contract . . . for a dwelling unit that becomes vacant . . .). In regard to rent adjustments, the statute states, in relevant part, that the contract *may* provide that the maximum rent permitted for a dwelling unit shall not be less than the initial rent for the dwelling unit under the initial housing assistance payments contract. Since the HAP contract is a HUD-prescribed form, HUD proposed a reasonable policy to implement the statutory provision. However, while HUD does not agree that the statute explicitly delegates the authority to PHAs, HUD agrees that PHAs are in the best position to make such determinations based on their individual markets, and other local considerations. Therefore, the final rule provides that the PHA may elect, in the HAP contract, to establish that the initial contract rent shall serve as the rent floor. The PBV HAP contract will also be revised.

Issue: Removing Families With Below-Market Rents Who Are Not Receiving PBV Assistance From the Rent Reasonableness Calculation (§ 983.303)

Comment: Commenters stated that HUD has recognized when a housing conversion action takes place, an owner will often not raise rents on existing tenants who are not receiving rental subsidies in connection with the conversion. The commenters suggested adding a new § 983.303(c)(4) stating ''Units in the premises or project for which the owner is continuing below-market rents to families who were in occupancy but did not receive project-based voucher assistance at the beginning of the HAP contract are not to be taken into consideration for rent reasonableness determinations.''

HUD Response: The commenters are requesting that HUD expand the definition of assisted units for purposes of rent comparability to include units in the project for which the owner is continuing below-market rents to families who were in occupancy but did not receive project-based voucher assistance at the beginning of the HAP contract. In the very limited cases where a property has undergone a housing conversion action, HUD allows units occupied by tenants on the date of the eligibility event who do not receive vouchers to be considered assisted units if the owner chooses to continue charging below market rents to those families by offering lower rents, rent concessions, or other assistance to those families. These non-voucher families in a housing conversion action are often long-time tenants, many of whom are elderly and who had been paying below market rents prior to the housing conversion action. Considering such units assisted for purposes of rent reasonableness is an exception to the long-standing policy that an assisted unit is a unit that is assisted under a Federal, State, or local government program. However, for rent reasonableness determinations in the Housing Choice Voucher program, including the project-based voucher program, in the case of a family moving into a multifamily property, the PHA may choose to only consider the most recent rentals in determining the rents that the owner is charging for comparable unassisted units. In some markets, new tenants routinely pay higher rents than the rents that longer time tenants in comparable units may be paying. PHAs should refer to PIH Notice 2011–46 for guidance on rent reasonableness determinations.

IV. Findings and Certifications

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either: (1) Imposes substantial direct compliance costs on state and local governments and the rule is not required by statute, or (2) the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Order. This rule does not have federalism implications and would not impose substantial direct compliance costs on state and local governments nor preempt state law within the meaning of the Order.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule largely makes conforming amendments to HUD regulations that govern the public and assisted housing programs, for which changes were recently made by the Housing and Economic Recovery Act of 2008. As advised in the November 24, 2008, notice that preceded this rule, the statutory changes made to these programs were largely self-executing, and required only

conforming regulatory amendments. This rule makes those conforming amendments. The statutory changes to the programs, as reflected in the conforming amendments, impose no significant economic impact on a substantial number of small entities. This rule makes other changes for the purposes of updating certain regulations to reflect current practices, and clarifying other regulations which, based on experience, HUD determined would benefit from clarification. Therefore, the undersigned certifies that this rule will not have a significant impact on a substantial number of small entities.

Environmental Impact

A Finding of No Significant Impact (FONSI) with respect to the environment was made at the proposed rule stage in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). That FONSI remains applicable to this final rule and is available for public inspection during regular business hours in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the FONSI by calling the Regulations Division at 202–402–3055 (this is not a toll-free number).

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. This rule does not impose any federal mandates on any state, local, or tribal government or the private sector within the meaning of UMRA.

Paperwork Reduction Act

The information collection requirements contained in this interim rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and assigned OMB Control Number 2577–0169. In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers applicable to the programs that would be affected by this rule are: 14.195, 14.850, 14.856, and 14.871.

List of Subjects

24 CFR Part 5

Administrative practice and procedure, Aged, Claims, Drug abuse, Drug traffic control, Grant programs—housing and community development, Grant programs—Indians, Individuals with disabilities, Loan programs—housing and community development, Low and moderate income housing, Mortgage insurance, Pets, Public housing, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 982

Grant programs—housing and community development, Housing, Low- and moderate-income housing, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 983

Grant programs—housing and community development, Housing, Low- and moderate-income housing, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, for the reasons stated in the preamble, HUD amends 24 CFR parts 5, 982, and 983, as follows.

PART 5—GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS

■ 1. The authority citation for part 5 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437d, 1437f, 1437n, 3535(d), Sec. 327, Pub. L. 109–115, 119 Stat. 2936, and Sec. 607, Pub. L. 109–162, 119 Stat. 3051.

■ 2. In § 5.609, paragraph (c)(14) is revised to read as follows:

§ 5.609 Annual income.

* * * * *

(c) * * *

(14) Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts.

* * * * *

PART 982—SECTION 8 TENANT BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM

■ 3. The authority citation for part 982 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

■ 4. In § 982.507, paragraph (a)(1) and the introductory text to paragraph (b) are revised, paragraph (c) is redesignated as paragraph (d), and a new paragraph (c) is added to read as follows:

§ 982.507 Rent to owner: Reasonable rent.

(a) *PHA determination.* (1) Except as provided in paragraph (c) of this section, the PHA may not approve a lease until the PHA determines that the initial rent to owner is a reasonable rent.

* * * * *

(b) *Comparability.* The PHA must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the PHA must consider:

* * * * *

(c) *Units assisted by low-income housing tax credits or assistance under HUD's HOME Investment Partnerships (HOME) program.* (1) *General.* For a unit receiving low-income housing tax credits (LIHTCs) pursuant to section 42 of the Internal Revenue Code of 1986 or receiving assistance under HUD's HOME Program (for which the regulations are found in 24 CFR part 92), a rent comparison with unassisted units is not required if the voucher rent does not exceed the rent for other LIHTC- or HOME-assisted units in the project that are not occupied by families with tenant-based assistance.

(2) *LIHTC.* If the rent requested by the owner exceeds the LIHTC rents for non-voucher families, the PHA must perform a rent comparability study in accordance with program regulations and the rent shall not exceed the lesser of the:

(i) Reasonable rent as determined pursuant to a rent comparability study; and

(ii) The payment standard established by the PHA for the unit size involved.

(3) *HOME Program.* [Reserved]

* * * * *

PART 983—PROJECT-BASED VOUCHER (PBV) PROGRAM

■ 5. The authority citation for part 983 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

■ 6. In § 983.2, paragraphs (b)(3), (c)(2)(i), and (c)(7) are revised to read as follows:

§ 983.2 When the tenant-based voucher rule (24 CFR part 982) applies.

* * * * *

(b) * * *

(3) Provisions on the following special housing types: Shared housing, manufactured home space rental, and the homeownership option.

(c) * * *

(2) * * *

(i) Section 982.310 (owner termination of tenancy) applies to the PBV program, but to the extent that those provisions differ from § 983.257, the provisions of § 983.257 govern; and

* * * * *

(7) In subpart M of part 982:

(i) Sections 982.603, 982.607, 982.611, 982.613(c)(2), 982.619(a), (b)(1), (b)(4), (c); and

(ii) Provisions concerning shared housing (§ 982.615 through § 982.618), manufactured home space rental (§ 982.622 through § 982.624), and the homeownership option (§ 982.625 through § 982.641).

■ 7. In § 983.3(b):

■ a. Definitions for ''housing credit agency'', ''partially assisted project,'' ''project'', ''project-based certificate (PBC) program'', and ''release of funds'' are added in alphabetical order;

■ b. The following definitions are revised: ''Excepted units'' ''premises,'' ''qualifying families,'' ''special housing type,'' and ''wrong-size unit''; and

■ c. The definitions for ''partially assisted building'' and ''state certified appraiser'' are removed.

§ 983.3 PBV definitions.

* * * * *

(b) * * *

Excepted units (units in a multifamily project not counted against the 25 percent per- project cap). See § 983.56(b)(2)(i).

* * * * *

Housing credit agency. For purposes of performing subsidy layering reviews for proposed PBV projects, a housing credit agency includes a State housing finance agency, a State participating jurisdiction under HUD's HOME program (see 24 CFR part 92), or other State housing agencies that meet the definition of ''housing credit agency'' as defined by section 42 of the Internal Revenue Code of 1986.

* * * * *

Partially assisted project. A project in which there are fewer contract units than residential units.

* * * * *

Premises. The project in which the contract unit is located, including common areas and grounds.

Project. A project is a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. *Contiguous* in this definition includes ''adjacent to'', as well as touching along a boundary or a point.

Project-based certificate (PBC) program. The program in which project-based assistance is attached to units pursuant to an Agreement executed by a PHA and owner before January 16, 2001 (see § 983.10).

* * * * *

Qualifying families (for purpose of exception to 25 percent per-project cap). See § 983.56(b)(2)(ii).

Release of funds (for purposes of environmental review). Release of funds in the case of the project-based voucher program, under 24 CFR 58.1(b)(6)(iii) and § 983.58, means that HUD approves the local PHA's Request for Release of Funds and Certification by issuing a Letter to Proceed (in lieu of using form HUD–7015.16) that authorizes the PHA to execute an ''agreement to enter into housing assistance payment contract'' (AHAP) or, for existing housing, to directly enter into a HAP with an owner of units selected under the PBV program.

* * * * *

Special housing type. Subpart M of 24 CFR part 982 states the special regulatory requirements for single-room occupancy (SRO) housing, congregate housing, group homes, and manufactured homes. Subpart M provisions on shared housing, manufactured home space rental, and the homeownership option do not apply to PBV assistance under this part.

* * * * *

Wrong-size unit. A unit occupied by a family that does not conform to the PHA's subsidy guideline for family size, by being either too large or too small compared to the guideline.

■ 8. In § 983.4, the ''Labor standards'' paragraph is revised to read as follows:

§ 983.4 Cross-reference to other Federal requirements.

* * * * *

Labor standards. Regulations implementing the Davis-Bacon Act, Contract Work Hours and Safety Standards Act (40 U.S.C. 3701–3708), 29 CFR part 5, and other federal laws and regulations pertaining to labor standards applicable to development (including rehabilitation) of a project comprising nine or more assisted units.

* * * * *

■ 9. In § 983.5, paragraph (c) is revised to read as follows:

§ 983.5 Description of the PBV program.

* * * * *

(c) *PHA discretion to operate PBV program.* A PHA has discretion whether to operate a PBV program. HUD approval is not required, except that the PHA must notify HUD of its intent to project-base its vouchers, in accordance with § 983.6(d).

■ 10. In § 983.6, paragraph (d) is added to read as follows:

§ 983.6 Maximum amount of PBV assistance.

* * * * *

(d) Before a PHA issues a Request for Proposals in accordance with § 983.51(b)(1) or makes a selection in accordance with § 983.51(b)(2), the PHA must submit the following information to a HUD field office for review:

(1) The total amount of annual budget authority;

(2) The percentage of annual budget authority available to be project-based; and

(3) The total amount of annual budget authority the PHA is planning to project-base pursuant to the selection and the number of units that such budget authority will support.

■ 11. In § 983.9, paragraph (a)(2) is revised and a new paragraph (c) is added to read as follows:

§ 983.9 Special housing types.

(a) * * *

(2) In the PBV program, the PHA may not provide assistance for shared housing, manufactured home space rental, or the homeownership option.

* * * * *

(c) *Cooperative housing.* (1) *Applicability of part 983.* Except as provided in paragraph (c)(3) of this section, assistance under this housing type is subject to the regulations of part 983, except the following sections of part 983, subpart F: §§ 983.256(b) and (c), 983.258 and 983.259 do not apply.

(2) *Applicability of part 982.* (i) Cooperative housing under the PBV program is also subject to the requirements of 24 CFR 982.619(b)(2), (b)(3), (b)(5), (d), and (e).

(ii) Cooperative housing under the PBV program is not subject to the requirements of 24 CFR 982.619(a), (b)(1), (b)(4), and (c).

(3) *Assistance in cooperative housing.* Rental assistance for PBV cooperative housing where families lease cooperative housing units from cooperative members is not a special housing type and all requirements of 24 CFR 983 apply.

(4) *Rent to owner.* The regulations of 24 CFR part 983, subpart G, apply to PBV housing under paragraph (c) of this section. The reasonable rent for a cooperative unit is determined in accordance with § 983.303. For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.

(5) *Other fees and charges.* Fees such as application fees, credit report fees, and transfer fees shall not be included in the rent to owner.

■ 12. In § 983.10, paragraph (b) is revised and a new paragraph (c) is added to read as follows:

§ 983.10 Project-based certificate (PBC) program.

* * * * *

(b) *What rules apply*? Units under the PBC program are subject to the provisions of 24 CFR part 983, codified as of May 1, 2001, with the following exceptions:

(1) *PBC renewals.* (i) *General.* Consistent with the PBC HAP contract, at the sole option of the PHA, HAP contracts may be renewed for terms for an aggregate total (including the initial and any renewal terms) of 15 years, subject to the availability of appropriated funds.

(ii) *Renewal of PBC as PBV.* At the sole discretion of the PHA, upon the request of an owner, PHAs may renew a PBC HAP contract as a PBV HAP contract. All PBV regulations (including 24 CFR part 983, subpart G—Rent to Owner) apply to a PBC HAP contract renewed as a PBV HAP contract with the exception of §§ 983.51, 983.56, and 983.57(b)(1). In addition, the following conditions apply:

(A) The term of the HAP contract for PBC contracts renewed as PBV contracts shall be consistent with § 983.205.

(B) A PHA must make the determination, within one year before expiration of a PBC HAP contract, that renewal of the contract under the PBV program is appropriate to continue providing affordable housing for low-income families.

(C) The renewal of PBC assistance as PBV assistance is effectuated by the execution of a PBV HAP contract addendum as prescribed by HUD and a PBV HAP contract for existing housing.

(2) *Housing quality standards.* The regulations in 24 CFR 982.401 (housing quality standards) (HQS) apply to units assisted under the PBC program.

(i) *Special housing types.* HQS requirements for eligible special housing types, under this program, apply (See 24 CFR 982.605. 982.609 and 982.614).

(ii) *Lead-based paint requirements.* (A) The lead-based paint requirements at 24 CFR 982.401(j) do not apply to the PBC program.

(B) The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846), the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851–4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, apply to the PBV program.

(iii) *HQS enforcement.* The regulations in 24 CFR parts 982 and 983 do not create any right of the family or any party, other than HUD or the PHA, to require enforcement of the HQS requirements or to assert any claim against HUD or the PHA for damages, injunction, or other relief for alleged failure to enforce the HQS.

(c) *Statutory notice requirements.* In addition to provisions of 24 CFR part 983 codified as of May 1, 2001, § 983.206 applies to the PBC program.

■ 13. In § 983.51:

■ a. Paragraph (a) is amended by removing the term ''building'' and adding in its place ''project'' in the last sentence;

■ b. Paragraph (b)(2) is revised; and

■ c. Paragraph (g) is added to read as follows:

§ 983.51 Owner proposal selection procedures.

* * * * *

(b) * * *

(2) *Selection based on previous competition.* The PHA may select, without competition, a proposal for housing assisted under a federal, State, or local government housing assistance, community development, or supportive services program that required competitive selection of proposals (e.g., HOME, and units for which competitively awarded low-income housing tax credits (LIHTCs) have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within 3 years of the PBV proposal selection date, and the earlier competitively selected housing assistance proposal did not involve any consideration that the project would receive PBV assistance.

* * * * *

(g) Owner proposal selection does not require submission of form HUD–2530 or other HUD previous participation clearance.

■ 14. In § 983.52, paragraph (a) is revised to read as follows.

§ 983.52 Housing type.

* * * * *

(a) *Existing housing*—A housing unit is considered an existing unit for purposes of the PBV program, if at the time of notice of PHA selection the units substantially comply with HQS.

(1) Units for which rehabilitation or new construction began after owner's proposal submission but prior to execution of the AHAP do not subsequently qualify as existing housing.

(2) Units that were newly constructed or rehabilitated in violation of program requirements also do not qualify as existing housing.

* * * * *

■ 15. In § 983.53 is revised by:

■ a. Adding the word ''and'' after the semicolon in paragraph (a)(5);

■ b. Removing paragraph (a)(6);

■ c. Redesignating paragraph (a)(7) as paragraph (a)(6);

■ d. Removing paragraph (b);

■ e. Redesginating paragraphs (c) and (d) as paragraphs (b) and (c) respectively;

■ f. Revising newly redesignated paragraph (b); and

■ g. Adding a new paragraph (d).

§ 983.53 Prohibition of assistance for ineligible units.

* * * * *

(b) *Prohibition against assistance for owner-occupied unit.* The PHA may not attach or pay PBV assistance for a unit occupied by an owner of the housing. A member of a cooperative who owns shares in the project assisted under the PBV program shall not be considered an owner for purposes of participation in the PBV program.

* * * * *

(d) *Prohibition against assistance for units for which commencement of construction or rehabilitation occurred prior to AHAP.* The PHA may not attach or pay PBV assistance for units for which construction or rehabilitation has commenced as defined in § 983.152 after proposal submission and prior to execution of an AHAP.

■ 16. In § 983.55, paragraphs (a) and (b) are revised to read as follows:

§ 983.55 Prohibition of excess public assistance.

(a) *Subsidy layering requirements.* The PHA may provide PBV assistance only in accordance with HUD subsidy layering regulations (24 CFR 4.13) and other requirements. The subsidy layering review is intended to prevent excessive public assistance for the housing by combining (layering) housing assistance payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax

concessions or tax credits. The subsidy layering requirements are not applicable to existing housing. A further subsidy layering review is not required for housing selected as new construction or rehabilitation of housing, if HUD's designee has conducted a review, which included a review of PBV assistance, in accordance with HUD's PBV subsidy layering review guidelines.

(b) *When subsidy layering review is conducted.* The PHA may not enter into an Agreement or HAP contract until HUD or a housing credit agency approved by HUD has conducted any required subsidy layering review and determined that the PBV assistance is in accordance with HUD subsidy layering requirements.

* * * * *

■ 17. In § 983.56:
■ a. The section heading is revised;
■ b. The word ''building'' is removed and ''project'' is added in its place everywhere it appears in paragraph (a), including the heading of paragraph (a), and in paragraph (b)(1) introductory text, (b)(1)(ii), (b)(2)(i), and (b)(3)(i);
■ c. Paragraph (b)(2)(ii)(A) is revised;
■ d. The reference ''§ 983.261(d)'' in paragraph (b)(2)(ii)(B) is removed and ''§ 983.262(d)'' is added in its place;
■ e. Paragraph (b)(3) is redesignated as paragraph (b)(4), and a new paragraph (b)(3) is added; and
■ f. Paragraph (c) is revised to read as follows.

§ 983.56 Cap on number of PBV units in each project.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(A) Elderly and/or disabled families; and/or

* * * * *

(3) *Combining exception categories.* Exception categories in a multifamily housing project may be combined.

* * * * *

(c) *Additional, local requirements promoting partially assisted projects.* A PHA may establish local requirements designed to promote PBV assistance in partially assisted projects. For example, a PHA may:

(1) Establish a per-project cap on the number of units that will receive PBV assistance or other project-based assistance in a multifamily project containing excepted units or in a single-family building,

(2) Determine not to provide PBV assistance for excepted units, or

(3) Establish a per-project cap of less than 25 percent.

■ 18. In § 983.58, paragraph (d)(1)(i) is revised to read as follows:

§ 983.58 Environmental review.

* * * * *

(d) * * *

(1) * * *

(i) The responsible entity has completed the environmental review procedures required by 24 CFR part 58, and HUD has approved the environmental certification and HUD has given a release of funds, as defined in § 983.3(b);

* * * * *

■ 19. In § 983.59:
■ a. Paragraph (b)(1) is revised;
■ b. Paragraph (b)(2) is redesignated as paragraph (b)(3), and a new paragraph (b)(2) is added; and
■ c. Paragraph (d) is revised to read as follows:

§ 983.59 PHA-owned units.

* * * * *

(b) * * *

(1) *Determination of rent to owner for the PHA-owned units.* Rent to owner for PHA-owned units is determined pursuant to §§ 983.301 through 983.305 in accordance with the same requirements as for other units, except that the independent entity approved by HUD must establish the initial contract rents based on PBV program requirements;

(2) *Initial and renewal HAP contract term.* The term of the HAP contract and any HAP contract renewal for PHA-owned units must be agreed upon by the PHA and the independent entity approved by HUD. Any costs associated with implementing this requirement must be paid for by the PHA; and

* * * * *

(d) *Payment to independent entity.* (1) The PHA may compensate the independent entity from PHA ongoing administrative fee income (including amounts credited to the administrative fee reserve). The PHA may not use other program receipts to compensate the independent entity for its services.

(2) The PHA, and the independent entity, may not charge the family any fee for the services provided by the independent entity.

■ 20. In § 983.101, paragraph (b) is revised to read as follows:

§ 983.101 Housing quality standards.

* * * * *

(b) *HQS for special housing types.* For special housing types assisted under the PBV program, HQS in 24 CFR part 982 apply to the PBV program. (Shared housing, manufactured home space rental, and the homeownership option are not assisted under the PBV program.) HQS contained within 24 CFR part 982 that are inapplicable to the PBV program pursuant to § 983.2 are also inapplicable to special housing types under the PBV program.

* * * * *

■ 21. In § 983.152:
■ a. Paragraphs (a), (b), and (c) are redesignated as paragraphs (b), (a) and (d), respectively;
■ b. Newly redesignated paragraph (b) is revised; and
■ c. A new paragraph (c) is added to read as follows:

§ 983.152 Purpose and content of the Agreement to enter into HAP contract.

* * * * *

(b) *Requirement.* The PHA must enter into an Agreement with the owner at such time as provided in § 983.153. The Agreement must be in the form required by HUD headquarters (see 24 CFR 982.162).

(c) *Commencement of construction or rehabilitation.* The PHA may not enter into an agreement if commencement of construction or rehabilitation has commenced after proposal submission.

(1) Construction begins when excavation or site preparation (including clearing of the land) begins for the housing;

(2) Rehabilitation begins with the physical commencement of rehabilitation activity on the housing.

* * * * *

■ 22. In § 983.153, add introductory text and revise paragraph (c) to read as follows:

§ 983.153 When Agreement is executed.

The agreement must be promptly executed, in accordance with the following conditions:

* * * * *

(c) *Prohibition on construction or rehabilitation.* The PHA shall not enter into the Agreement with the owner if construction or rehabilitation has commenced after proposal submission

■ 23. In § 983.202, paragraph (a) is revised to read as follows:

§ 983.202 Purpose of HAP contract.

(a) *Requirement.* The PHA must enter into a HAP contract with the owner. With the exception of single family scattered site projects, a HAP contract shall cover a single project. If multiple projects exist, each project shall be covered by a separate HAP contract. The HAP contract must be in such form as may be prescribed by HUD.

* * * * *

■ 24. In § 983.203, paragraph (h) is revised to read as follows:

§ 983.203 HAP contract information.

* * * * *

(h) The number of units in any project that will exceed the 25 percent per-project cap (as described in § 983.56), which will be set-aside for occupancy by qualifying families (elderly and/or disabled families and families receiving supportive services); and

* * * * *

■ 25. In § 983.205, paragraphs (a) and (b) are revised to read as follows:

§ 983.205 Term of HAP contract.

(a) *15-year initial term.* The PHA may enter into a HAP contract with an owner for an initial term of up to 15 years for each contract unit. The length of the term of the HAP contract for any contract unit may not be less than one year, nor more than 15 years. In the case of PHA-owned units, the term of the initial HAP contract shall be determined in accordance with § 983.59.

(b) *Extension of term.* A PHA may agree to enter into an extension at the time of the initial HAP contract term or any time before expiration of the contract, for an additional term of up to 15 years if the PHA determines an extension is appropriate to continue providing affordable housing for low-income families. A HAP contract extension may not exceed 15 years. A PHA may provide for multiple extensions; however, in no circumstance may such extensions exceed 15 years, cumulatively. Extensions after the initial extension are allowed at the end of any extension term provided that not more than 24 months prior to the expiration of the previous extension contract, the PHA agrees to extend the term, and that such extension is appropriate to continue providing affordable housing for low-income families or to expand housing opportunities. Extensions after the initial extension term shall not begin prior to the expiration date of the previous extension term. Subsequent extensions are subject to the same limitations described in this paragraph. Any extension of the term must be on the form and subject to the conditions prescribed by HUD at the time of the extension. In the case of PHA-owned units, any extension of the initial term of the HAP contract shall be determined in accordance with § 983.59.

* * * * *

■ 26A. Sections 983.206, 983.207, 983.208, and 983.209 are redesignated, respectively, as §§ 983.207, 983.208, 983.209, and 983.210.

■ 26B. A new § 983.206 is added to read as follows.

§ 983.206 Statutory notice requirements: Contract termination or expiration.

(a) Notices required in accordance with this section must be provided in the form prescribed by HUD.

(b) Not less than one year before termination of a PBV or PBC HAP contract, the owner must notify the PHA and assisted tenants of the termination.

(c) For purposes of this section, the term ''termination'' means the expiration of the HAP contract or an owner's refusal to renew the HAP contract.

(d)(1) If an owner does not give timely notice of termination, the owner must permit the tenants in assisted units to remain in their units for the required notice period with no increase in the tenant portion of their rent, and with no eviction as a result of an owner's inability to collect an increased tenant portion of rent.

(2) An owner may renew the terminating contract for a period of time sufficient to give tenants one-year advance notice under such terms as HUD may require.

■ 27. In redesignated § 983.207, paragraph (b) is revised to read as follows:

§ 983.207 HAP contract amendments (to add or substitute contract units).

* * * * *

(b) *Amendment to add contract units.* At the discretion of the PHA, and provided that the total number of units in a project that will receive PBV assistance will not exceed 25 percent of the total number of dwelling units in the project (assisted and unassisted), (unless units were initially identified in the HAP contract as excepted from the 25 percent limitation in accordance with § 983.56(b)), or the 20 percent of authorized budget authority as provided in § 983.6, a HAP contract may be amended during the three-year period immediately following the execution date of the HAP contract to add additional PBV contract units in the same project. An amendment to the HAP contract is subject to all PBV requirements (e.g., rents are reasonable), except that a new PBV request for proposals is not required. The anniversary and expiration dates of the HAP contract for the additional units must be the same as the anniversary and expiration dates of the HAP contract term for the PBV units originally placed under HAP contract.

* * * * *

■ 28. In redesignated § 983.210, paragraph (i) is revised and a new paragraph (j) is added to read as follows:

§ 983.210 Owner certification.

* * * * *

(i) The family does not own or have any interest in the contract unit. The certification required by this section does not apply in the case of an assisted family's membership in a cooperative.

(j) Repair work on a project selected as an existing project that is performed after HAP execution within such post-execution period as specified by HUD may constitute development activity, and if determined to be development activity, the repair work undertaken shall be in compliance with Davis-Bacon wage requirements.

■ 29. A new § 983.211 is added to subpart E to read as follows:

§ 983.211 Removal of unit from HAP contract.

(a) Units occupied by families whose income has increased during their tenancy resulting in the tenant rent equaling the rent to the owner, shall be removed from the HAP Contract 180 days following the last housing assistance payment on behalf of the family.

(b) If the project is fully assisted, a PHA may reinstate the unit removed under paragraph (a) of this section to the HAP contract after the ineligible family vacates the property. If the project is partially assisted, a PHA may substitute a different unit for the unit removed under paragraph (a) of this section to the HAP contract when the first eligible substitute becomes available.

(c) A reinstatement or substitution of units under the HAP contract, in accordance with paragraph (b) of this section, must be permissible under § 983.207. The anniversary and expirations dates of the HAP contract for the unit must be the same as it was when it was originally placed under the HAP contract. The PHA must refer eligible families to the owner in accordance with the PHA's selection policies.

■ 30. In § 983.251, a new paragraph (a)(4) is added to read as follows:

§ 983.251 How participants are selected.

(a) * * *

(4) A PHA may not approve a tenancy if the owner (including a principal or other interested party) of a unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the PHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities.

* * * * *

■ 31. In § 983.256, paragraphs (f) and (g) are revised to read as follows:

§ 983.256 Lease.

* * * * *

(f) *Term of lease.* (1) The initial lease term must be for at least one year.

(2) The lease must provide for automatic renewal after the initial term of the lease. The lease may provide either:

(i) For automatic renewal for successive definite terms (e.g., month-to-month or year-to-year); or

(ii) For automatic indefinite extension of the lease term.

(3) The term of the lease terminates if any of the following occurs:

(i) The owner terminates the lease for good cause;

(ii) The tenant terminates the lease;

(iii) The owner and the tenant agree to terminate the lease;

(iv) The PHA terminates the HAP contract; or

(v) The PHA terminates assistance for the family.

(g) *Lease provisions governing absence from the unit.* The lease may specify a maximum period of family absence from the unit that may be shorter than the maximum period permitted by PHA policy. (PHA termination-of-assistance actions due to family absence from the unit are subject to 24 CFR 982.312, except that the unit is not terminated from the HAP contract if the family is absent for longer than the maximum period permitted.)

§ 983.257 [Amended]

■ 32. In § 983.257, paragraph (b) is removed and paragraph (c) is redesignated as paragraph (b) and amended by removing the word ''per-building'' and adding in its place ''per-project''..

■ 33A. Sections 983.258, 983.259, 983.260, and 983.261 are redesignated as §§ 983.259, 983.260, 983.261, and 983.262, respectively.

■ 33B. A new § 983.258 is added to read as follows:

§ 983.258 Continuation of housing assistance payments.

Housing assistance payments shall continue until the tenant rent equals the rent to owner. The cessation of housing assistance payments at such point will not affect the family's other rights under its lease, nor will such cessation preclude the resumption of payments as a result of later changes in income, rents, or other relevant circumstances if such changes occur within 180 days following the date of the last housing assistance payment by the PHA. After the 180-day period, the unit shall be removed from the HAP contract pursuant to § 983.211.

■ 34. In redesignated § 983.260, the word ''building'' is removed and ''project'' is added in its place everywhere it appears in paragraph (b)(2)(i), and paragraph (c) is revised to read as follows:

§ 983.260 Overcrowded, under-occupied, and accessible units.

* * * * *

(c) *PHA termination of housing assistance payments.* (1) If the PHA offers the family the opportunity to receive tenant-based rental assistance under the voucher program, the PHA must terminate the housing assistance payments for a wrong-sized or accessible unit at the earlier of the expiration of the term of the family's voucher (including any extension granted by the PHA) or the date upon which the family vacates the unit. If the family does not move out of the wrong-sized unit or accessible unit by the expiration date of the term of the family's voucher, the PHA must remove the unit from the HAP contract.

(2) If the PHA offers the family the opportunity for another form of continued housing assistance in accordance with paragraph (b)(2) of this section (not in the tenant-based voucher program), and the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by the PHA, or both, the PHA must terminate the housing assistance payments for the wrong-sized or accessible unit, at the expiration of a reasonable period as determined by the PHA, and remove the unit from the HAP contract.

■ 35. In redesignated § 983.262, the section heading and paragraphs (b) and (d) are revised and a new paragraph (e) is added to read as follows.

§ 983.262 When occupancy may exceed 25 percent cap on the number of PBV units in each project.

* * * * *

(b) In referring families to the owner for admission to excepted units, the PHA must give preference to elderly and/or disabled families, or to families receiving supportive services.

* * * * *

(d) A family (or the remaining members of the family) residing in an excepted unit that no longer meets the criteria for a ''qualifying family'' in connection with the 25 percent per project cap exception (i.e., a family that does not successfully complete its FSS contract of participation or the supportive services requirement as defined in the PHA administrative plan or the remaining members of a family that no longer qualifies for elderly or disabled family status where the PHA does not exercise its discretion under paragraph (e) of this section) must vacate the unit within a reasonable period of time established by the PHA, and the PHA shall cease paying housing assistance payments on behalf of the non-qualifying family. If the family fails to vacate the unit within the established time, the unit must be removed from the HAP contract unless the project is partially assisted, and it is possible for the HAP contract to be amended to substitute a different unit in the project in accordance with § 983.207(a); or the owner terminates the lease and evicts the family. The housing assistance payments for a family residing in an excepted unit that is not in compliance with its family obligations (e.g., a family fails, without good cause, to successfully complete its FSS contract of participation or supportive services requirement) shall be terminated by the PHA.

(e) The PHA may allow a family that initially qualified for occupancy of an excepted unit based on elderly or disabled family status to continue to reside in a unit, where through circumstances beyond the control of the family (e.g., death of the elderly or disabled family member or long term or permanent hospitalization or nursing care), the elderly or disabled family member no longer resides in the unit. In this case, the unit may continue to count as an excepted unit for as long as the family resides in that unit. Once the family vacates the unit, in order to continue as an excepted unit under the HAP contact, the unit must be made available to and occupied by a qualifying family.

■ 36. In § 983.301, paragraphs (d) and (e) are revised to read as follows:

§ 983.301 Determining the rent to owner.

* * * * *

(d) *Rent to owner for other tax credit units.* Except in the case of a tax-credit unit described in paragraph (c)(1) of this section, the rent to owner for all other tax credit units may be determined by the PHA pursuant to paragraph (b) of this section.

(e) *Reasonable rent.* The PHA shall determine the reasonable rent in accordance with § 983.303. The rent to the owner for each contract unit may at no time exceed the reasonable rent, except in cases where, the PHA has elected within the HAP contract not to reduce rents below the initial rent to owner and, upon redetermination of the rent to owner, the reasonable rent would result in a rent below the initial rent. If the PHA has not elected within the HAP contract to establish the initial rent to

owner as the rent floor, the rent to owner shall not at any time exceed the reasonable rent.

* * * * *

■ 37. In § 983.302:

■ a. Paragraph (c) is revised to read as set forth below; and

■ b. The reference in paragraph (e)(3) to ''§ 983.206(c)'' is removed and ''§ 983.207(c)'' is added in its place.

§ 983.302 Redetermination of rent to owner.

* * * * *

(c) *Rent decrease.* (1) If there is a decrease in the rent to owner, as established in accordance with § 983.301, the rent to owner must be decreased, regardless of whether the owner requested a rent adjustment.

(2) If the PHA has elected within the HAP contract to not reduce rents below the initial rent to owner, the rent to owner shall not be reduced below the initial rent to owner for dwelling units under the initial HAP contract, except:

(i) To correct errors in calculations in accordance with HUD requirements;

(ii) If additional housing assistance has been combined with PBV assistance after the execution of the initial HAP contract and a rent decrease is required pursuant to § 983.55; or

(iii) If a decrease in rent to owner is required based on changes in the allocation of responsibility for utilities between the owner and the tenant.

* * * * *

■ 38. In § 983.303, paragraphs (a), (b)(3), and (f)(1) are revised to read as follows:

§ 983.303 Reasonable rent.

(a) *Comparability requirement.* At all times during the term of the HAP contract, the rent to the owner for a contract unit may not exceed the reasonable rent as determined by the PHA, except that where the PHA has elected in the HAP contract to not reduce rents below the initial rent under the initial HAP contract, the rent to owner shall not be reduced below the initial rent in accordance with § 983.302(e)(2).

(b) * * *

(3) Whenever the HAP contract is amended to substitute a different contract unit in the same building or project; and

* * * * *

(f) *Determining reasonable rent for PHA-owned units.* (1) For PHA-owned units, the amount of the reasonable rent must be determined by an independent agency approved by HUD in accordance with § 983.59, rather than by the PHA. The reasonable rent must be determined in accordance with this section.

* * * * *

■ 39. In § 983.304, paragraph (e) is revised to read as follows:

§ 983.304 Other subsidy: effect on rent to owner.

* * * * *

(e) *Other subsidy: rent reduction.* To comply with HUD subsidy layering requirements, at the direction of HUD or its designee, a PHA shall reduce the rent to owner because of other governmental subsidies, including tax credits or tax exemptions, grants, or other subsidized financing.

* * * * *

Dated: June 16, 2014.

Sandra B. Henriquez,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 2014–14632 Filed 6–24–14; 8:45 am]

BILLING CODE 4210–67–P

FEDERAL REGISTER

Vol. 79 Wednesday,

No. 122 June 25, 2014

Part III

Federal Communications Commission

14 CFR Part 91

Interpretation of the Special Rule for Model Aircraft; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA–2014–0396]

Interpretation of the Special Rule for Model Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of interpretation with request for comment.

SUMMARY: This action provides interested persons with the opportunity to comment on the FAA's interpretation of the special rule for model aircraft established by Congress in the FAA Modernization and Reform Act of 2012. In this interpretation, the FAA clarifies that: Model aircraft must satisfy the criteria in the Act to qualify as model aircraft and to be exempt from future FAA rulemaking action; and consistent with the Act, if a model aircraft operator endangers the safety of the National Airspace System, the FAA has the authority to take enforcement action against those operators for those safety violations.

DATES: Effective June 23, 2014. Comments must be received on or before July 25, 2014.

ADDRESSES: You may send comments identified by docket number FAA–2014–0396 using any of the following methods:

- *Federal eRulemaking Portal:* Go to http://www.regulations.gov and follow the online instructions for sending your comments electronically.
- *Mail:* Send Comments to Docket Operations, M–30; US Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

FOR FURTHER INFORMATION CONTACT: Dean E. Griffith, Attorney, Regulations Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–3073; email: *dean.griffith@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested persons to submit written comments, data, or views concerning this interpretation. The most helpful comments reference a specific portion of the interpretation, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, please send only one copy of written comments, or if you are filing comments electronically, please submit your comments only one time.

The FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this interpretation. The FAA will consider all comments received on or before the closing date for comments and any late-filed comments if it is possible to do so without incurring expense or delay. While this is the FAA's interpretation of statute and regulations relevant to model aircraft, the FAA may modify this interpretation based on comments received.

Availability of This Interpretation

You can get an electronic copy using the Internet by—

(1) Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

(2) Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/;* or

(3) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number or notice number of this proposal.

Background

The FAA is issuing this interpretation because we have received many inquiries regarding the scope of the special rule for model aircraft in section 336 of the FAA Modernization and Reform Act of 2012 and the FAA's enforcement authority over model aircraft as affirmed by the statute. In this interpretation, we explain the history of FAA oversight of model aircraft operations and the new statutory requirements that apply to model aircraft operations, and then clarify how the FAA intends to apply its enforcement authority to model aircraft operations that endanger the safety of the National Airspace System (NAS).

Discussion of the Interpretation

I. Background of FAA Oversight of Model Aircraft Operations

Historically, the FAA has considered model aircraft to be aircraft that fall within the statutory and regulatory definitions of an aircraft, as they are contrivances or devices that are ''invented, used, or designed to navigate, or fly in, the air.'' *See* 49 U.S.C. 40102 and 14 CFR 1.1. As aircraft, these devices generally are subject to FAA oversight and enforcement. However, consistent with FAA's enforcement philosophy, FAA's oversight of model aircraft has been guided by the risk that these operations present. The FAA first recognized in 1981 that ''model aircraft can at times pose a hazard to full-scale aircraft in flight and to persons and property on the surface,'' and recommended a set of voluntary operating standards for model aircraft operators to follow to mitigate these safety risks. *See* Advisory Circular 91–57, Model Aircraft Operating Standards (June 9, 1981). These operating standards included restricting operations over populated areas, limiting use of the devices around spectators until after the devices had been flight tested and proven airworthy; restricting operations to 400 feet above the surface; requiring that the devices give right of way to, and avoid flying near manned aircraft, and using observers to assist in operations.

These guidelines were further clarified in 2007, when the FAA issued a policy statement regarding unmanned aircraft systems (UAS) operations in the NAS. *See* 72 FR 6689 (Feb. 13, 2007). In this policy statement, the FAA also recognized that UAS fall within the statutory and regulatory definition of ''aircraft'' as they are devices that are ''used or [are] intended to be used for flight in the air with no onboard pilot.'' *Id.;* see also 49 U.S.C. 40102; 14 CFR 1.1. The FAA noted that they can be ''as simple as a remotely controlled model aircraft used for recreational purposes or as complex as surveillance aircraft flying over hostile areas in warfare.'' The FAA then stated its current policy regarding UAS based on the following three categories: (1) UAS used as public aircraft; (2) UAS used as civil aircraft; and (3) UAS used as model aircraft.

With respect to UAS used as model aircraft, the FAA reiterated the operating guidelines in AC 91–57, and further noted that to qualify as a model aircraft, the aircraft would need to be operated purely for recreational or hobby purposes, and within the visual line of sight of the operator. The policy statement also clarified that AC 91–57

applied only to modelers and ''specifically excludes its use by persons or companies for business purposes.'' 72 FR at 6690.

II. Requirements To Qualify as a Model Aircraft Under the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95, Section 336)

A. Statutory Requirements

On February 14, 2012, the President signed into law the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) (the Act), which established, in Section 336, a ''special rule for model aircraft.'' In Section 336, Congress confirmed the FAA's long-standing position that model aircraft are aircraft. Under the terms of the Act, a model aircraft is defined as ''an unmanned aircraft'' that is ''(1) capable of sustained flight in the atmosphere; (2) flown within visual line of sight of the person operating the aircraft; and (3) flown for hobby or recreational purposes.'' Public Law 112–95, section 336(c). Congress' intention to define model aircraft as aircraft is further established by section 331(8) of the Act, which defines an unmanned aircraft as ''an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.'' Congress' definition of model aircraft is consistent with the FAA's existing definition of aircraft as ''any contrivance invented, used, or designed to navigate, or fly in, the air.'' 49 U.S.C. 40102; *see also* 14 CFR 1.1. Although model aircraft may take many forms, at a base level model aircraft are clearly ''invented, used, or designed'' to fly in the air. *Id.*

Section 336 also prohibits the FAA from promulgating ''any rule or regulation regarding a model aircraft, or an aircraft being developed as a model aircraft'' if the following statutory requirements are met:

- The aircraft is flown strictly for hobby or recreational use;
- the aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;
- the aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;
- the aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft; and
- when flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower . . . with prior notice of the operation. . . . Public Law 112–95, section 336(a)(1)–(5).

Thus, based on the language of the statute, we conclude that aircraft that meet the statutory definition and operational requirements, as described above, would be exempt from future FAA rulemaking action specifically regarding model aircraft. Model aircraft that do not meet these statutory requirements are nonetheless unmanned aircraft, and as such, are subject to all existing FAA regulations, as well as future rulemaking action, and the FAA intends to apply its regulations to such unmanned aircraft.

B. Model Aircraft Must Meet the Criteria in Section 336 To Be Exempt From Future Rulemaking

Congress directed that the FAA may not ''promulgate any rule or regulation regarding a model aircraft, or an aircraft being developed as a model aircraft'' if the aircraft is being operated, or being developed to be operated, pursuant to the five criteria enumerated in the statute as described above. Public Law 112–95, section 336(a). In other words, Congress has restricted the FAA from promulgating regulations, from the date when the statute was enacted, specifically regarding model aircraft that meet the terms of the statute.

However, the prohibition against future rulemaking is not a complete bar on rulemaking that may have an effect on model aircraft. As noted above, the rulemaking limitation applies only to rulemaking actions specifically ''regarding a model aircraft or an aircraft being developed as a model aircraft.'' Public Law 112–95, section 336(a). Thus, the rulemaking prohibition would not apply in the case of general rules that the FAA may issue or modify that apply to all aircraft, such as rules addressing the use of airspace (e.g., the 2008 rule governing VFR operations in the Washington, DC area) for safety or security reasons. *See* 73 FR 46803. The statute does not require FAA to exempt model aircraft from those rules because those rules are not specifically regarding model aircraft. On the other hand, a model aircraft operated pursuant to the terms of section 336 would potentially be excepted from a UAS aircraft certification rule, for example, because of the limitation on future rulemaking specifically ''regarding a model aircraft, or an aircraft being developed as a model aircraft.'' Public Law 112–95, section 336(a). The FAA interprets the section 336 rulemaking prohibition as one that must be evaluated on a rule-by-rule basis.

Although the FAA believes the statutory definition of a model aircraft is clear, the FAA provides the following explanation of the meanings of ''visual line of sight'' and ''hobby or recreational purpose,'' terms used in the definition of model aircraft, because the FAA has received a number of questions in this area.

By definition, a model aircraft must be ''flown within visual line of sight of the person operating the aircraft.'' Public Law 112–95, section 336(c)(2).[1] Based on the plain language of the statute, the FAA interprets this requirement to mean that: (1) The aircraft must be visible at all times to the operator; (2) that the operator must use his or her own natural vision (which includes vision corrected by standard eyeglasses or contact lenses) to observe the aircraft; and (3) people other than the operator may not be used in lieu of the operator for maintaining visual line of sight. Under the criteria above, visual line of sight would mean that the operator has an unobstructed view of the model aircraft. To ensure that the operator has the best view of the aircraft, the statutory requirement would preclude the use of vision-enhancing devices, such as binoculars, night vision goggles, powered vision magnifying devices, and goggles designed to provide a ''first-person view'' from the model.[2] Such devices would limit the operator's field of view thereby reducing his or her ability to see-and-avoid other aircraft in the area. Additionally, some of these devices could dramatically increase the distance at which an operator could see the aircraft, rendering the statutory visual-line-of-sight requirements meaningless. Finally, based on the plain language of the statute, which says that aircraft must be ''flown within the visual line of sight of the *person operating the aircraft,*'' an operator could not rely on another person to satisfy the visual line of sight requirement. *See id.* (emphasis added). While the statute would not preclude using an observer to augment the safety of the operation, the operator must be able to view the aircraft at all times.

[1] For purposes of the visual line of sight requirement, ''operator'' means the person manipulating the model aircraft's controls.

[2] The FAA is aware that at least one community-based organization permits ''first person view'' (FPV) operations during which the hobbyist controls the aircraft while wearing goggles that display images transmitted from a camera mounted in the front of the model aircraft. While the intent of FPV is to provide a simulation of what a pilot would see from the flight deck of a manned aircraft, the goggles may obstruct an operator's vision, thereby preventing the operator from keeping the model aircraft within his or her visual line of sight at all times.

The statute requires model aircraft to be flown strictly for hobby or recreational purposes. Because the statute and its legislative history do not elaborate on the intended meaning of ''hobby or recreational purposes,'' we look to their ordinary meaning and also the FAA's previous interpretations to understand the direction provided by Congress.[3] A definition of ''hobby'' is a ''pursuit outside one's regular occupation engaged in especially for relaxation.'' Merriam-Webster Dictionary, *available at www.merriam-webster.com* (last accessed June 9, 2014). A definition of recreation is ''refreshment of strength and spirits after work; a means of refreshment or diversion.'' *Id.* These uses are consistent with the FAA's 2007 policy on model aircraft in which the Agency stated model aircraft operating guidelines did not apply to ''persons or companies for business purposes.'' *See* 72 FR at 6690.[4]

Any operation not conducted strictly for hobby or recreation purposes could not be operated under the special rule for model aircraft. Clearly, commercial operations would not be hobby or recreation flights.[5] Likewise, flights that are in furtherance of a business, or incidental to a person's business, would not be a hobby or recreation flight. Flights conducted incidental to, and within the scope of, a business where no common carriage is involved, generally may operate under FAA's general operating rules of part 91. *See* Legal Interpretation to Scott C. Burgess, from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (Nov. 25, 2008). Although they are not commercial operations conducted for compensation or hire, such operations do not qualify as a hobby or recreation flight because of the nexus between the operator's business and the operation of the aircraft. *See, e.g.,* Legal Interpretation to BSTC Corporation, from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (June 22, 2009) (noting transportation of mining employees and guests appears to be incidental to and within scope of operator's geological business); Legal Interpretation to Scott C. Burgess (Nov. 25, 2008) (noting transportation of automotive dealership employees and guests must be incidental to and within scope of operator's real estate development business).

To provide guidance, the following are examples of flights that could be conducted as hobby or recreation flights and other types of flights that would not be hobby or recreation.

Hobby or recreation	Not hobby or recreation
Flying a model aircraft at the local model aircraft club.	Receiving money for demonstrating aerobatics with a model aircraft.
Taking photographs with a model aircraft for personal use.	A realtor using a model aircraft to photograph a property that he is trying to sell and using the photos in the property's real estate listing.
	A person photographing a property or event and selling the photos to someone else.
Using a model aircraft to move a box from point to point without any kind of compensation.	Delivering packages to people for a fee.[6]
Viewing a field to determine whether crops need water when they are grown for personal enjoyment.	Determining whether crops need to be watered that are grown as part of commercial farming operation.

Operations that meet the section 336 definition of ''model aircraft'' must also meet the five additional criteria for model aircraft established in section 336(a) to be exempt from future rulemaking regarding model aircraft. These criteria, with the exception of the hobby and recreation standard that was previously addressed, are explained below.

Section 336(a)(2) requires model aircraft to be operated within a community-based set of safety guidelines and within the programming of a nationwide community-based organization. Congress explained that it intended ''nationwide community-based organization'' to mean, in part, a ''membership based association that represents the aeromodeling community within the Unites States; [and] provides its members a comprehensive set of safety guidelines that underscores safe aeromodeling operations within the National Airspace System and the protection and safety of the general public on the ground. . . .'' *U.S. House, FAA Modernization and Reform Act of 2012, Conference Report (to Accompany H.R. 658),* 112 H. Rpt. 381 (Feb. 1, 2012) (discussion of special rule for model aircraft). Based on this language, which provides context to Congress' use of the term ''nationwide community-based organization,'' the FAA expects that model aircraft operations conducted under section 336(a) will be operated according to those guidelines.[7]

Additionally, model aircraft are limited to 55 pounds or less. The statutory language does not specify whether it applies to 55 pounds unloaded or 55 pounds with other equipment, payload, or fuel, for example, on the aircraft. The FAA believes that Congress intended for the 55-pound limit to mean the weight of the aircraft at the time of the operation. If the weight of the aircraft, alone, was the determining factor then it could conceivably be loaded with equipment or payload increasing the weight of the aircraft at time of takeoff well in excess of 55 pounds, thereby increasing the risk of harm should the operation not proceed as planned. The weight at the time of operation is also consistent with the FAA's designation of small or large aircraft which is determined by an aircraft's maximum certificated takeoff weight. *See, e.g.,* 14 CFR 1.1 (defining small and large aircraft). Congress' recognition of the increased risk posed

[3] In construing statutory language, agencies should assume that the ordinary meaning of the language accurately expresses the legislative purpose of Congress. Agencies are also permitted to presume that Congress was aware of the agencies' administrative or adjudicative interpretations of certain terms and intended to adopt those meanings. *See BedRoc Ltd.* v. *U.S.,* 541 U.S. 176, 183 (2004); *see also Haig* v. *Agee,* 453 U.S. 280, 300 (1981); *Lorillard* v. *Pons,* 434 U.S. 575, 580–81 (1978).

[4] The FAA has also addressed recreational use of aircraft by pilots in the Sport and Recreational Pilot Certificate rules, which prohibit those pilots from acting as pilot in command of an airplane carrying passengers or property for compensation or hire, or in furtherance of a business. 14 CFR 61.101(e), 61.315(c). As discussed in the Sport Pilot final rule, those prohibitions are designed to limit those pilots to ''sport and recreational flying only.'' 69 FR 44772, 44839 (July 27, 2004).

[5] A commercial operator is a ''person, who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property. . . .'' *See* 14 CFR 1.1. The FAA would therefore not consider a commercial operation to be ''flown strictly for hobby or recreation purposes'' because it would be conducted for compensation or hire.

[6] If an individual offers free shipping in association with a purchase or other offer, FAA would construe the shipping to be in furtherance of a business purpose, and thus, the operation would not fall within the statutory requirement of recreation or hobby purpose.

[7] ''[C]ommunity-based organizations,'' for example, would include groups such as the Academy of Model Aeronautics and others that meet the statutory definition.

by heavier aircraft is demonstrated by the more stringent requirements for aircraft heavier than 55 pounds in the statute which are discussed below. Accordingly, the FAA interprets this provision to mean the weight of the aircraft at the time of the operation must not exceed 55 pounds, including the weight of any payload and fuel.

The statute creates an exception for model aircraft that exceed the 55-pound weight limit if the aircraft is ''certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization.'' Public Law 112–95, section 336(a)(3). If a nationwide community-based organization has provided its members with a set of safety guidelines that define a design, construction, inspection, flight test, and operational safety program then model aircraft constructed in accordance with that program may exceed 55 pounds and operate in accordance with section 336(a).

Model aircraft must not interfere with and must give way to any manned aircraft. This requirement needs no further explanation, and the FAA would expect that model aircraft operators abide by it.[8] We note that model aircraft interfering with, or that do not give way to, manned aircraft would be subject to enforcement action under section 336(b), as further explained in section III below.

Finally, the statute sets a requirement for model aircraft operating within 5 miles [9] of an airport to notify the airport operator and control tower, where applicable, prior to operating.[10] [11] If the model aircraft operator provides notice of forthcoming operations which are then not authorized by air traffic or objected to by the airport operator, the FAA expects the model aircraft operator will not conduct the proposed flights. The FAA would consider flying model aircraft over the objections of FAA air traffic or airport operators to be endangering the safety of the NAS. Additionally, we note that following this 5-mile notification procedure would be read in conjunction with FAA rules governing airspace usage discussed below.

III. Scope of FAA's Enforcement Authority

As discussed above, if a model aircraft is operated consistently with the terms of section 336(a) and (c), then it would not be subject to future FAA regulations regarding model aircraft. However, Congress also recognized the potential for such operations to endanger other aircraft and systems of the NAS. Therefore, it specifically stated that ''[n]othing in this section shall be construed to limit the authority of the Administrator to pursue enforcement action against persons operating model aircraft who endanger the safety of the national airspace system.'' Public Law 112–95, section 336(b).

Through this language, Congress specifically recognized the FAA's existing authority to take enforcement action to protect the safety of the NAS.[12] Moreover, it did not limit the FAA's authority to take enforcement action where a violation of a regulation results in the endangerment of the NAS. As demonstrated by the FAA's statutory and regulatory authorities, our charge to protect the safety of the NAS is not only intended to protect users of the airspace, but is also intended to protect persons and property on the ground.[13]

For example, the FAA regulates low-altitude operations to protect people and property on the ground. The FAA permits aircraft operations below 500 feet when flown over open water and in sparsely populated areas. 14 CFR 91.119(c). Such operations may not be conducted ''closer than 500 feet to any person, vessel, vehicle, or structure.'' *Id.* Therefore, although such low-altitude operations may pose a lower risk to aircraft flying much higher, the operation may still pose a risk to persons and property on the ground warranting enforcement action when conducted unsafely. *See, e.g., Adm'r* v. *Kachalsky,* NTSB Order No. EA–4847, 2000 WL 1072332 (July 24, 2000) (affirming a violation of § 91.119(c) for operating within 500 feet of a dwelling in a sparsely populated area); *Adm'r* v. *Beissel,* NTSB Docket No. SE–19436, 2013 WL 7809754 (Dec. 11, 2014) (ordering suspension of a pilot certificate when pilot flew a helicopter less than 40 feet above the surface of a lake).

Reading the broad reference to the NAS, along with Congress' clear interest in ensuring that model aircraft are safely operated, we conclude that Congress intended for the FAA to be able to rely on a range of our existing regulations to protect users of the airspace and people and property on the ground. Therefore, regardless of whether a model aircraft satisfies the statutory definition and operational requirements described above, if the model aircraft is operated in such a manner that endangers the safety of the NAS, the FAA may take enforcement action consistent with Congress' mandate.

IV. Examples of Regulations That Apply to Model Aircraft

The FAA could apply several regulations in part 91 when determining whether to take enforcement action against a model aircraft operator for endangering the NAS. The FAA's general operating and flight rules are housed in part 91 of the FAA's regulations. These rules are the baseline rules that apply to all aircraft operated in the United States with limited exceptions,[14] and are the appropriate rules to apply when evaluating model aircraft operations. *See* 14 CFR 91.1.

Rules relevant to these operations fall generally into three categories: (1) How the aircraft is operated; (2) operating rules for designated airspace; and, (3) special restrictions such as temporary flight restrictions (TFRs) and notices to airmen (NOTAMs). These rules are discussed in greater detail below.

Rules addressing operation of the aircraft may include prohibitions on careless or reckless operation and dropping objects so as to create a hazard

[8] This requirement is consistent with longstanding FAA guidance for model aircraft operators. *See* AC 91–57, para. 3 (advising model aircraft operators to ''[g]ive right of way to, and avoid flying in the proximity of, full-scale aircraft.'').

[9] For ease of determining distance, the FAA interprets the statute to mean 5 statute miles.

[10] This requirement is consistent with longstanding FAA guidance for model aircraft operators. *See* AC 91–57, para. 3 (advising model aircraft operators to notify an airport operator, control tower, for flight service station when planning to operate within three miles of an airport).

[11] If a group of modelers intends to operate in one area, one person could contact air traffic control on behalf of the group. Additionally, consistent with the statute, the FAA encourages operators who fly from a permanent location within 5 miles of an airport to ''establish a mutually-agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport).''

[12] The NAS is broadly described as ''the common network of U.S. airspace; air navigation facilities, equipment and services, airports or landing areas; aeronautical charts, information and services; rules, regulations and procedures, technical information, and manpower and material. Included are system components shared jointly with the military.'' *See* FAA Aeronautical Information Manual (Apr. 3, 2014), *available at http://www.faa.gov/air_traffic/publications/media/AIM_Basic_4-03-14.pdf.*

[13] *See* 49 U.S.C. 40103(b)(2) (authorizing the FAA to prescribe air traffic regulations to protect people and property on the ground); *Adm'r* v. *Johnson,* NTSB Order No. EA–1008, 1977 WL 22279 at *2 (May 10, 1977) (recognizing FAA authority to promulgate regulations to protect persons and property on the ground); *Adm'r* v. *Page,* NTSB Order No. EA–2786, 1988 WL 250725 at *3 (July 19, 1988) (finding FAA's rulemaking and enforcement authority extends to areas away from runways and taxiways—in this case the ramp of a fixed base operator).

[14] Part 91 does not apply to moored balloons, kites, unmanned rockets, and unmanned free balloons, and ultralights vehicles operated under 14 CFR parts 101 and 103.

to persons or property. *See* 14 CFR 91.13 through 91.15. Additionally, § 91.113 establishes right-of-way rules for converging aircraft.[15] Model aircraft that do not comply with those rules could be subject to FAA enforcement action.

Rules governing operations in designated airspace are found in §§ 91.126 through 91.135. In general, those rules establish requirements for operating in the various classes of airspace, and near airports in non-designated airspace to minimize risk of collision in higher traffic airspace. Generally, if an operator is unable to comply with the regulatory requirements for operating in a particular class of airspace, the operator would need authorization from air traffic control to operate in that area. *See, e.g.,* 14 CFR 91.127(a), 91.129(a). Operations within restricted areas designated in part 73 would be prohibited without permission from the using or controlling agency. Accordingly, as part of the requirements for model aircraft operations within 5 miles of an airport set forth in section 336(a)(4) of Public Law 112–95, the FAA would expect modelers operating model aircraft in airspace covered by §§ 91.126 through 91.135 and part 73 to obtain authorization from air traffic control prior to operating.

The third category of rules relevant to model aircraft operations are rules relating to operations in areas covered by temporary flight restrictions and NOTAMs found in §§ 91.137 through 91.145. The FAA would expect that model aircraft operations comply with restrictions on airspace when established under these rules.

Other rules in part 91, or other parts of the regulations, may apply to model aircraft operations, depending on the particular circumstances of the operation. The regulations cited above are not intended to be an exhaustive list of rules that could apply to model aircraft operations. The FAA anticipates that the cited regulations are the ones that would most commonly apply to model aircraft operations.

Issued in Washington, DC, on June 18, 2014.

Michael P. Huerta,

Administrator.

[FR Doc. 2014–14948 Filed 6–23–14; 4:15 pm]

BILLING CODE 4910–13–P

[15] Additionally, model aircraft must not interfere with and must always give way to any manned aircraft. Section 336(a)(4).

FEDERAL REGISTER

Vol. 79 Wednesday,

No. 122 June 25, 2014

Part IV

The President

Proclamation 9144—70th Anniversary of the GI Bill of Rights

Notice of June 23, 2014—Continuation of the National Emergency With Respect to the Western Balkans

Federal Register
Vol. 79, No. 122
Wednesday, June 25, 2014

Presidential Documents

Title 3—

The President

Proclamation 9144 of June 20, 2014

70th Anniversary of the GI Bill of Rights

By the President of the United States of America

A Proclamation

In the Second World War, a generation risked their lives for people they had never met and ideals none of us could live without. As they fought to liberate a continent and safeguard the American way of life, our Nation resolved to serve them as well as they were serving us. After months of heated debate and hard-fought compromise, President Franklin D. Roosevelt signed the Servicemen's Readjustment Act of 1944, better known as the GI Bill of Rights.

When patriots who had left our shores as barely more than boys returned as heroes, the GI Bill allowed them to launch their civilian lives. It provided unemployment benefits, home loan guaranties, and subsidies for a college education. This bill marked the first time higher education was available to large cross-sections of the American people. Because veterans took advantage of this unprecedented opportunity, our Nation developed the most talented workforce in history. Millions excelled in their careers, started families, bought new homes, or even started new businesses, helping to build the greatest middle class the world has ever known.

The GI Bill proved that America prospers when we put a good education within the reach of those willing to work for it. Under the Post-9/11 GI Bill, our Nation has extended this chance to a new generation. This law has helped more than a million veterans, service members, and military families pursue a college education. And across our country, employers can tap into a vast pool of talent—men and women who are not only highly educated but have also served with honor in the most dangerous corners of the earth.

Today, let us celebrate 70 years of opportunity. Let us remember our sacred debt to our veterans and recall that when we give them the chance to excel, there is no limit to what they might accomplish.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 22, 2014, as the 70th Anniversary of the GI Bill of Rights. I call upon all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of June, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2014–15039
Filed 6–24–14; 11:15 am]
Billing code 3295–F4

Presidential Documents

Notice of June 23, 2014

Continuation of the National Emergency With Respect to the Western Balkans

On June 26, 2001, by Executive Order (E.O.) 13219, the President declared a national emergency with respect to the Western Balkans, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, relating to Kosovo. The President subsequently amended that order in E.O. 13304 of May 28, 2003, to take additional steps with respect to acts obstructing implementation of the Ohrid Framework Agreement relating to Macedonia.

The actions of persons threatening the peace and international stabilization efforts in the Western Balkans continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared on June 26, 2001, and the measures adopted on that date and thereafter to deal with that emergency, must continue in effect beyond June 26, 2014. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the Western Balkans declared in E.O. 13219.

This notice shall be published in the **Federal Register** and transmitted to the Congress.

THE WHITE HOUSE,

June 23, 2014.

[FR Doc. 2014–15040

Filed 6–24–14; 11:15 am]

Billing code 3295–F4

Reader Aids

Federal Register

Vol. 79, No. 122

Wednesday, June 25, 2014

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, JUNE

31205–31842 2
31843–32156 3
32157–32432 4
32433–32632 5
32633–32858 6
32859–33042 9
33043–33418 10
33419–33646 11
33647–33848 12
33849–34212 13
34213–34402 16
34403–34620 17
34621–35032 18
35033–35278 19
35279–35478 20
35479–35680 23
35681–35910 24
35911–36182 25

CFR PARTS AFFECTED DURING JUNE

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9134 32423
9135 32425
9136 32427
9137 32429
9138 32431
9139 33417
9140 33645
9141 34401
9142 34997
9143 35477
9144 36179

Executive Orders:
12473 (Amended by 13669) 34999
13669 34999
13670 35029

Administrative Orders:
Memorandums:
Memorandum of June 9, 2014 33843
Memorandum of June 20, 2014 35903
Notices:
Notice of June 10, 2014 33847
Notice of June 19, 2014 35679
Notice of June 20, 2014 35909
Notice of June 23, 2014 36181
Presidential Determinations:
No. 2014–10 of June 2, 2014 33839
No. 2014–11 of June 4, 2014 33841

5 CFR

Ch. XIV 33849

Proposed Rules:
630 35497
2641 33138

7 CFR

6 34213
63 31843
220 35279
319 32433
457 35681
932 33419
1410 32435
1951 31845
4274 31845

Proposed Rules:
915 35498
944 35498
1206 35296
1951 31884
4274 31884

9 CFR

201 32859
310 32436

10 CFR

72 35911
431 32050
1703 31848

Proposed Rules:
26 34641
73 34641
429 .....32020, 33870, 33873
430 32020
431 33877

12 CFR

5 35279
611 34621
620 34621
630 34621
1081 34622

Proposed Rules:
Ch. I 32172
Ch. II 32172
Ch. III 32172
Ch. VII 32191
4 33260
5 33260
7 33260
14 33260
32 33260
34 33260
100 33260
116 33260
143 33260
144 33260
145 33260
146 33260
150 33260
152 33260
159 33260
160 33260
161 33260
162 33260
163 33260
174 33260
192 33260
193 33260
1207 35960

13 CFR

121 33647
125 31848
127 31848

Proposed Rules:
121 35963

14 CFR

25 .....32633, 32635, 32636, 32637, 32639, 32640, 32642, 33043, 33669, 33673, 33674, 33675, 33677, 34215

39 .....31849, 31851, 31855, 31897, 32859, 33045, 33048, 33050, 33052, 33054, 33679, 34403, 34406, 35033, 35035, 35037, 35479, 35481, 35485
71 .....32440, 32441, 32861, 32862, 33850, 34217, 35279
91.....36172
93.....35488
97 .....33420, 33421, 33426, 33430
121.....32157
Proposed Rules:
25.....31886, 33140
39 .....31229, 31231, 31233, 31888, 32195, 32197, 32500, 32881, 33484, 35099, 35966, 35968
71 .....31236, 32883, 34453, 35702
77.....33145

15 CFR

730.....32441
736.....32612
738.....32612
740.....32612
742.....32612, 34408
744 .....32441, 32612, 34217
746.....32612
748.....32612, 34221
750.....32612
754.....34408
758.....32612, 34217
762.....32612
772.....32612
774.....32612, 34408
902.....35957
922.....33851
997.....32449

16 CFR

300.....32157
Proposed Rules:
305.....34642
306.....31891

17 CFR

232.....35280
Proposed Rules:
1.....31238
420.....33145

18 CFR

40.....35911
Proposed Rules:
35.....35501

19 CFR

201.....35920
207.....35920

20 CFR

404 .....33681, 33683, 35926
405.....35926
416 .....33681, 33683, 35926

21 CFR

17.....32643
73.....33431
106.....33056, 33057
107.....33057
310.....33072
314.....33072
317.....32464
329.....33072
600.....33072
872.....34623
878 .....31205, 31859, 34222
Proposed Rules:
Ch. I.....34668
860.....33711
882.....33712
1100.....35711
1140.....35711
1143.....35711

22 CFR

9.....35935
34.....35282
42.....32481
235.....35283

23 CFR

450.....31214
Proposed Rules:
450.....31784

24 CFR

5.....35940, 36146
30.....35041
35.....35041
943.....35940
982.....35940, 36146
983.....36146
1710.....34224
1715.....34224
1720.....34224
3280.....31861
3400.....34224
3500.....34224

25 CFR

Proposed Rules:
169.....34455

26 CFR

1.....31863, 32644
31.....31219
54.....35942
301.....34625
Proposed Rules:
1 .....31892, 31893, 32687
301.....34668

27 CFR

Proposed Rules:
9.....34474

28 CFR

32.....35490

29 CFR

2590.....35942
4022.....33860
4044.....33860
Proposed Rules:
10.....34568
1910.....32199
2550.....31893

30 CFR

934.....32645
944.....32648
Proposed Rules:
7.....31895
75.....31895
1206.....35102
1210.....35102

31 CFR

10.....34568

32 CFR

989.....35286

33 CFR

100 .....32164, 32863, 34413, 35492, 35681, 35948
117 .....31865, 32864, 33695, 33696, 33862, 33863, 34226, 34227, 34228, 34415, 34416, 34417, 34419, 35043, 35287, 35682
165 .....31220, 31865, 31868, 32167, 32482, 32484, 32486, 32487, 32866, 32867, 32868, 32871, 33696, 33699, 33700, 33702, 33703, 34229, 34230, 34231, 34420, 34422, 34424, 34425, 34427, 34428, 34626, 34627, 35043, 35046, 35048, 35495, 35684, 35687, 35688, 35690
168.....33864
334.....35049
Proposed Rules:
100.....32886
165 .....31895, 32889, 34669, 34674
328.....35712

34 CFR

Ch. II.....34428
Ch. III.....32487, 33092, 35951, 35954
600.....35692
Ch. VI 31870, 32651, 33432
Proposed Rules:
Ch. III.....31898, 33486, 35121
369.....35502
371.....35502
668.....35418

36 CFR

12.....33434
242.....35232
294.....33436
Proposed Rules:
212.....34678
261.....34678
1250.....35127

37 CFR

Proposed Rules:
1.....34681
370.....33491

38 CFR

3.....32653

39 CFR

111.....32490, 35288
775.....33095
3001.....33390
3010.....33820

40 CFR

Ch. I.....31566
49.....34231
52 .....32873, 33097, 33101, 33107, 33116, 33438, 34240, 34432, 34435, 34441, 35050, 35693, 35695, 35956
62.....33456
80.....34242
141.....35081
180 .....32169, 32662, 32666, 33458, 33465, 33469, 34629
261.....35290
300 .....32490, 32673, 34633
711.....35096
721.....34634
761.....33867
Proposed Rules:
49.....32502
51.....32892
52 .....32200, 33159, 34272, 34479, 34480, 35712
60 .....31901, 34830, 34960
110.....35712
112.....35712
116.....35712
117.....35712
122.....35712
190.....32521
230.....35712
232.....35712
300.....32689, 35712
302.....35712
312.....34480
401.....35712
766.....34484

41 CFR

102–117.....33474
102–192.....33477

42 CFR

412.....34444

43 CFR

10.....33482
Proposed Rules:
4.....35129
50.....35296

44 CFR

64.....32876
67.....33868
Proposed Rules:
67.....33878, 33879

45 CFR

18.....32170
147.....35942

46 CFR

Proposed Rules:
356.....33160

47 CFR

1.....31873, 32366
2.....32366
22.....35290
27.....32366
54.....33705, 34639
63.....31873
64.....33709, 35956
73.....33118
97.....35290
Proposed Rules:
1.....31247
2.....31247
20.....33163
90.....31247
95.....31247
96.....31247

48 CFR

Ch. 1.....35858, 35867
2.....35859
7.....35859

11 35859
19 35864
23 35859
31 35865
39 35859
52 35859
202 35699
217 35699
237 35700

Proposed Rules:

2 33164
7 33164
12 33164
46 33164
52 33164
212 ....32522, 35713
225 35713
229 35715
235 35717
237 ....32522, 35717
252 ....32522, 35507, 35713, 35715, 35717

49 CFR

383 32491
390 32491
613 31214
1510 35462

Proposed Rules:

571 32211
613 31784

50 CFR

17 ....31878, 32126, 32677, 33119, 35870
23 32677
100 35232
217 32678
224 ....31222, 34245
300 35957
622 ....32496, 32497, 32498, 32878, 34246, 35292
635 31227
648 ....32170, 34251, 35293
660 34269
679 ....35495, 35958

Proposed Rules:

16 35719
17 ....31901, 32900, 33169, 34685, 35303, 35509
20 32418
29 32903
300 32903
622 31907
648 ....33879, 35141
660 34272
679 ....31914, 32525, 33889, 34696, 35971

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List June 12, 2014

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.